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Part 1 Introduction

1.1.1 Title

This Code shall be titled the “Land Development Code for All of Jefferson County, Kentucky”. When subsequently used within this Code, unless indicated otherwise, the terms LDC, code, ordinance or article shall refer to the Land Development Code for Jefferson County.

1.1.2 Planning Unit Defined

The Land Development Code shall be applicable throughout the Louisville and Jefferson County Planning Unit. Pursuant to KRS 100.137, all incorporated and unincorporated areas of Jefferson County shall be a part of said Planning Unit. All cities of the first through fourth classes shall have zoning authority over the areas within their respective jurisdictions. Jefferson County Fiscal Court (or the Greater Louisville consolidated local government after January, 2003) shall have zoning authority over all other areas in Jefferson County, including cities of the fifth and sixth classes.

1.1.3 Relationship to the Comprehensive Plan

The regulations and requirements herein set forth have been established in accordance with a comprehensive plan with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the planning unit. Specifically, this Code provides regulations to implement applicable goals, objectives, guidelines and policies of the adopted Comprehensive Plan. References to the individual goals, objectives, guidelines and policies are contained in the various Chapters of this Code.

1.1.4 Legislative Authority

The legislative authority for the zoning and subdivision regulations of this Land Development Code is KRS Chapter 100 which provides the authority to counties, cities, and consolidated local governments to establish, coordinate and enforce zoning, subdivision and other regulations associated with the use, design, operation and impact of land use activities. Appendices to this Code contain ordinances adopted pursuant to statutory authority other than KRS Chapter 100; they are included herein for the user's convenience.

1.1.5 Legislative Purpose and Intent

The provisions of this Code are intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare; to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business and industrial areas within the planning unit and to promote the orderly and beneficial development of such areas.

Among other purposes, this Code is intended to provide adequate light, air, privacy and convenience of access to property; to avoid undue concentration of population by regulating and limiting the height and bulk of buildings; to regulate

the size and open spaces surrounding buildings; to establish building lines; to divide the planning unit into use districts restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residence, business, industrial and other specified uses; to divide the planning unit into form districts to ensure appropriate site and community design to protect the character of neighborhoods and shopping areas and ensure compatible development; to limit congestion in the public streets by providing off-street parking of motor vehicles; to preserve the natural environment, the value of land, buildings and structures; to facilitate adequate provision for traffic, transportation, water, sewerage, schools, parks and other public requirements; and to define the powers and duties of the administrative officers, Boards and Commissions provided herein.

1.1.6 General Effect

No building, structure, or land located within the planning unit shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations herein specified for the zoning and form district in which it is located, and in conformity with all other applicable provisions of this Code.

1.1.7 Relationship to Other Ordinances

Reserved

1.1.8 Transition Standards¹

A. Development Plans

The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after March 1, 2003 (LDC effective date)*. Plans filed with a complete application prior to March 1, 2003 (LDC effective date)* shall be reviewed for compliance with the Development Code as in effect at the time of filing.

Approved Development Plans that will expire before September 1, 2003 (LDC effective date + six months)* shall be deemed to expire one hundred eighty (180) days after the expiration date of the Development Plan.

No extensions of the expiration dates of Development Plans approved prior to March 1, 2003 (LDC effective date)* shall be granted by the Planning Commission.

NOTE: Binding elements on Development Plans shall remain applicable to the subject property after the Development Plan expires. Binding elements may be amended by the Planning Commission in accordance with Chapter 11.

¹ See Appendix 1C for changes to this section in effect for the City of Middletown.

B. Permits

1. Building permits, site disturbance permits, and other permits issued prior to March 1, 2003 (LDC effective date)* shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code.
2. Building permits, site disturbance permits, and other permits requested on or after March 1, 2003 (LDC effective date)* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.

NOTE: Transition standards applicable to subdivisions are located in Section 7.1.90.

Exception: Building permits, site disturbance permits, and other permits shall be issued to allow the development of an approved detailed Development Plan that was approved prior to the effective date of this Land Development Code, provided the Plan has not expired at the time the permit request is made.

1.1.9 Severability

If any phrase, clause, sentence, provision, paragraph, section, or part of these regulations shall be judicially declared to be invalid or unconstitutional, the remaining phrases, clauses, sentences, provisions, paragraphs, sections, or parts thereof shall not be affected thereby, but shall remain in full force and effect.

**Effective date in jurisdictions other than Louisville Metro varies, refer to Appendix 1A or inquire with the applicable jurisdiction.*

1.2.1 Interpretations Generally

For the purpose of Chapters 1 through 11, certain words, terms and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

Tense: Number -Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter, and vice versa; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

Shall; Should; May; Includes -The word "shall" is mandatory; the word "should" is directive but not necessarily mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Measurement of Distances -Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Scholar's Margin Text, Figures and Illustrations -Any chart or graphic presentation in Chapters 1 through 10 which is specifically designated as a "Figure" shall be deemed to be a part of the text of the Chapters and controlling on all development. Wherever illustrations are not specifically so designated, they are provided only as aids to the user of the Chapters and shall not be deemed a part of its text. Text and illustrations located in the "scholar's margin" are also provided only as aids to the user of the Chapters and shall not be deemed a part of its text.

Conflicts -The particular shall control the general. In case of any difference of meaning or implication between the text of these zoning regulations and any caption, figure, illustration, summary table, or illustrative table, the text shall control.

Interpretation of Undefined Terms -Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other and otherwise according to common usage, unless the context clearly indicates otherwise.

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

ADT (Average Daily Traffic) -The average number of vehicles per day that pass over a given point.

Abandoned Vehicle - Any automobile or other machine used for transport or part or parts thereof which is left upon public property and which is towed at public expense and thereafter unclaimed for a period of thirty (30) days, or which is left upon private property under circumstances which indicate an intent of the owner to discard it.

Abandonment - The cessation of the use of real property under circumstances which do not manifest an intent to continue said use or to resume said use within a reasonable time. The cessation of a use of real property for less than one year shall be rebuttably presumed to not constitute abandonment and the cessation of a use of real property for a year or more shall be rebuttably presumed to be unreasonable and an abandonment of use.

Abutting (Real Property) - Touching at a point or along a border; contiguous. However, these terms shall not be deemed to include parcels which are across the street or alley from each other.

Access -A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Access Class -A set of minimum connection, median, and signal spacing standards associated with the function of a particular road, which has the purpose of regulating and determining safe and adequate access to and from the roadway system.

Access Management Standards - Local public safety or public works regulations that control vehicular movement between streets and abutting private land uses, including curb cut size, location and spacing standards, raised medians and raised traffic islands; regulations prohibiting left and/ or right turns into or out of driveways and/ or streets; curb parking restrictions; grade separations; and circumstances requiring the construction of frontage roads.

Accessory Apartment -A secondary residence located on the same parcel as a single family dwelling. The accessory apartment may be located in the same structure as the principal residence, or in a separate building. There shall be no more than two adults residing in the accessory apartment. The accessory apartment shall not constitute a dwelling unit for purposes of calculating permissible density, but shall be considered in calculating the permissible floor area.

Accessory Service Use -A use which is subordinate in purpose, area and extent to the principal use served; contributes primarily to the comfort and convenience of the owners, occupants, employees, customers, or visitors of the principal use; is located within the building housing the principal use served; and is otherwise allowed by the provisions of Chapters 1 through 11.

Accessory Structure/ Use Area - In the context of the Traditional Neighborhood Form, the Accessory Structure/ Use Area lies between the Private Yard Area and the alley or rear property boundary. Most commonly used for off-street parking, accessory structures such as carriage houses and garages and as access for the property from the alley or secondary street.

Accessory Use or Structure -A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use.

This term shall be deemed to include accessory service uses, accessory private garages, home occupations, accessory tennis courts, accessory parking facilities, ground-mounted satellite dish antennas and solar energy systems which have the purpose of providing energy for heating and cooling of the principal use. Under no circumstances will uses appropriate only in the M-3 zone be allowed in the M-1 and M-2 zones as accessory uses.

Acre -A measure of land area containing 43,560 square feet.

Adjacent (also "Adjoining" and "Adjoin") - Abutting properties (those touching at a point or along a border) as well as those separated by streets or alleys.

Adult Amusement Arcade -An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, and/ or similar devices either coin, token or slug operated or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities, as hereinafter defined, or which offer male or female persons exposed to the view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered. *

Adult Book Store -An establishment having as one of its principal uses the sale, rent or display of pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on depictions of sexual activities *

Adult Entertainment Activity - Any one or more of the following uses; Adult Amusement Arcade, Adult Bookstore, Adult Entertainment Provider, Adult Motion Picture Theater, Adult Stage Show Theater, Adult Video Cassette or DVD Rental Center, Cabaret, Commercial Sexual Entertainment Center, Self-Designated Adult Entertainment Center, Taxi Dance Hall or Adult Massage Parlor.*

Adult Entertainment Provider -A commercial establishment, such as a hotel or motel, which in addition to its primary business purpose of providing services unrelated to depictions of sexual activities as herein defined, makes entertainment (either live or on film or video or other recordings) available to its customers, and such entertainment has as a dominant theme or is characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, if such establishment advertises the availability of such adult entertainment at its establishment. The advertisement of such materials shall not include the posting of a card or handbill on or near a television set in a hotel or motel room advising room guests that such adult movies are available upon request of the guest, or advertising informing the public of the availability of commercial cable channel.*

Adult Motion Picture Theater -An establishment having or advertising as having as one of its principal uses the presentation of motion pictures, slide projections and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult Stage Show Theater -An establishment having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting or relating to sexual activities, as hereinafter defined, for observation by persons therein.

Adult Video Cassette or DVD Rental Center – A commercial establishment which has as one of its principal business uses the rental or sale of video cassettes, DVDs, or other video recordings which depict material distinguished or characterized by an emphasis on depictions of sexual activities. *

Agricultural Dwellings -Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/ or for watchmen and their families.

Agricultural Land -A tract of land on which an agricultural use is conducted.

Agricultural Use – Use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156.

Aircraft -This term includes balloons, airplanes, helicopters, gliders and every other vehicle used for navigation through the air.

Alley -A way, other than a street, that is open to common use; and affords a secondary means of vehicular access to adjoining or adjacent property

Alternative Cellular Antenna Tower: means man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, or conceal the presence of cellular antennas or cellular antenna towers and that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure.

Ambient Air Quality Standards - Standards pertaining to the maximum permitted concentration of identified chemicals or other substances in the air. "Ambient" air quality standards refer to the presence of such chemicals or substances in the air surrounding or in the vicinity of a presumed source of emission of such chemicals or substances.

Ambient Noise Level - The background noise level determined to be associated with a given environment arising from noise from all sources excluding the particular noise source which is to be assessed in the context of a proposed or existing land use or development.

Antenna - The transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. (See also "Cellular antenna tower")

Apartment (or Apartment House) -see "Dwelling, Multifamily."

Apartment Hotel -A building designed for or containing both apartments and hotel accommodations.

Arcade -An arcade shall mean a continuous roofed area not used for vehicular circulation or parking, with a range of openings or arches carried on piers or columns and open on one or more sides, unobstructed to a height of not less than ten feet and accessible to persons using the site. Such area shall be no smaller than 500 square feet, including portions occupied by building columns, and shall have a minimum horizontal dimension of ten feet.

Assisted Living Residence – A residential development providing assistance to residents not including health services associated with "Health Facilities" as defined in KRS 216B.015.

Attached Dwelling -see "Dwelling, Attached."

Automobile - see "Vehicle, Passenger."

Automobile Repair Garage: A commercial establishment conducting repair and maintenance of automobiles including tune-ups, oil changes, tire replacement and puncture repair, brake repair, brake drum turning, muffler repair and similar operations, body work, auto painting, major overhauling, tire re-treading, or the heavy grinding or milling of auto parts. Retail sale of fuel, motor oil or accessories is also permitted.

Automobile Service Station -A commercial establishment supplying motor fuel or lubricating oil; or conducting minor repair and routine maintenance of automobiles including tune-ups, oil changes, tire replacement and puncture repair, brake repair, brake drum turning provided that no more than two brake lathes are present on site, muffler repair and similar operations, but not including body work, auto painting, major overhauling, tire re-treading, or the heavy grinding or milling of auto parts (e. g. head grinding, block re-boring, or similar activities which typically take place within a machine shop.) For the purpose of this definition a "Major Overhaul" is considered one in which the engine, transmission, or other major component of the vehicle's mechanical system is removed entirely from the automobile.

Average Daily Traffic (ADT) -The average number of vehicles per day that pass over a given point.

Awning -see Chapter 8.

Backlit Awning -(Reserved)

Bakeries -Establishments primarily engaged in the retail sale of bakery products. The products may be purchased from others or made on the premises.

Bank -Business establishment that provides financial services, including uses known as a savings and loan, credit union, loan company or investment company.

Barber Shops and Beauty Salons - Establishments for either men or women or both men and women primarily engaged in furnishing beauty, grooming or hairdressing services.

Basement -An area below the first floor, having its floor subgrade below ground level on all sides but no more than one-half of its height abovegrade, used for storage space by occupants of the building, janitor or watchman quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

Basement (Finished) - A basement (or a portion of a basement) in or for which the distance between the floor and the ceiling is at least seven feet, the floor is covered by wood, tile, brick or carpeting, electrical wiring is provided and hidden from view such as by placement behind walls or above ceiling tiles, and from which furnaces and water heaters are screened from view.

Bed and Breakfast Inn - The use of a residential structure by a resident thereof as a small inn which provides eight (8) or fewer temporary rooms (not including kitchen facilities) for hire to short term guests, and includes a breakfast for the guest or guests at a daily fixed price for the room and breakfast.

Berm (or Earth Mound) -Earth contoured so as to form a mound above the general elevation of the adjacent ground or surface.

Bicycle Lane -A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

Bicycle Path -A bikeway physically separated from motorized vehicular traffic by an open space or barrier. located either within the highway right of way or within an independent right of way. *See also "Shared Use Path"*

Billboard -(Refer to Chapter 8.)

Block -One or more lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers.

Block Face - The frontage on a public street located between intersecting public streets.

Blue Line Stream, Solid -A stream defined and designated as such on 7 1/2 minute quadrangle topographic maps published by the U. S. Geologic Survey.

Blue Line Stream, Intermittent -A stream defined and designated as such on 7 1/2 minute quadrangle topographic maps published by the U. S. Geologic Survey.

Board of Adjustment -The Louisville or Jefferson County Board of Zoning Adjustment, or successor body.

Boarding and Lodging House - Use of a residential structure by an occupant thereof to provide, for compensation and by prearrangement for definite periods, meals or lodging or both are provided for no more than 8 persons not members of the provider's family, and not constituting a bed and breakfast inn. (See "family".)

Brownfield -Potential development site that has existing public water and sewers but has some level of environmental impediment to re-development.

Buffer (or Buffering) -Man-made or natural materials or open space having the effect of ameliorating the adverse effects of a land use upon adjoining or nearby land uses and enhancing the compatibility of the use with such adjoining or nearby land uses.

Buffer yard -A unit of land, together with a specified type and amount of planting and any structures thereon, which may be required between land uses to eliminate or minimize conflicts between land uses.

Build-To-Line – The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building façade line on the street.

Buildable Area - The portion of a lot not included within the required setback lines or other required open space areas.

Buildable Width -The width of that part of a lot between the required side yard lines.

Building -Any permanent structures designed or built for the support, shelter or protection of persons, animals, chattel or property of any kind. This term includes mobile homes, but does not include awnings, canopies, or similar structures. In these regulations reference to buildings includes structures.

Building Envelope -The specific area(s) of a lot, lots, or development site within which the proposed development (including buildings, accessory structures, and driveways) may be constructed and within which all development activity shall be contained.

Building Height -The vertical distance from the ground level to the highest point of a structure. (Refer to section 5.1.7 K for height measurement procedures.)

Building Limit Line-A line delineating the buildable area of the lot, that may correspond with or be more restrictive than the required yards of the applicable form district.

Building Official -The Chief Building Official of Jefferson County, City of Louisville or other municipality with authority to issue building permits.

Building Permit -Any building or construction permit required under the Building Code in effect for the applicable jurisdiction.

Building Plane -An exterior flat or level surface of a building, such as a building wall.

Building Restriction Line -A line following the rear of any required yard setback, establishing the minimum allowable distance between the nearest portion of any building and the lot line when measured perpendicularly thereto. When a proposed right-of-way line or street centerline setback is shown in the Major Thoroughfare Plan, the Building Restriction Line is determined by combining all applicable right-of-way line requirements and specific yard requirements.

Building Site -Any group of one or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger Development Site.

Business and Career Schools -A post-secondary educational institution for office-type careers that utilizes only such equipment as is customary to such office use.

Cabaret -An establishment which features one of its principal uses entertainers and/ or waiters and/ or bartenders, male or female impersonators and/ or persons, either male or female, who expose at any time to public view of the patrons of said establishment the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, and/ or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

Caliper -The diameter of a tree trunk, measured 6 inches above the ground for newly installed trees and at 4 feet-6 inches above the ground (breast height) for existing trees.

Camping Areas -Establishments primarily engaged in providing overnight or short-term sites for recreational vehicles, trailers, campers or tents.

Canopy, Building - A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points.

Cardinal Point -One of the four principal compass points - North, South, East or West.

Carpool -A vehicle that is used primarily to convey a group of two or more employees between home and work.

Carport -A permanent roofed structure with not more than three enclosed sides used or intended to be used for automobile parking.

Car Wash -An establishment for the washing, cleaning, waxing and polishing of the exterior surface of passenger vehicles; and for the incidental cleaning and vacuuming of the interior passenger sections.

Cellular Antenna Tower: means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

Cellular Telecommunications Service - means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

Certificate of Appropriateness -A certificate issued by the approving authority upon approval of the exterior architectural features of any new building construction or alterations to an existing building located within a designated historic district.

Channelization - The alteration of a watercourse involving a significant change in the channel cross-section or channel materials.

Chemicals -Including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuff, exterminating agents and poisons, hydrogen and oxygen, plastic materials and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, solvent-extracting.

Child Care Center - See "Day Care Center."

Church Building - Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall. Such buildings and grounds may not also be used for retail sales or other merchandising purposes, except that such buildings and grounds may be used for church bazaars and suppers. No such building or portion of a building may be used primarily as a commercial theater, except that occasional plays or pageants for which a price of admission is charged may be held. Synagogues, temples and mosques are considered church buildings for purposes of this Land Development Code.

Civic Building -A building that houses a civic use.

Civic Use -Buildings and facilities owned, operated or reserved by a corporation or association of persons for civic, social, fraternal or recreational purposes and not operated or maintained primarily for profit.

Clinic -A facility which provides treatment which requires observation and recovery normally lasting 1 to 5 hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care and outpatient services, but do not provide overnight care. This term includes drug clinics.

Clubhouse -A private facility that restricts access to club members and/ or charges dues to members

Clubs -See "Private Non-Profit Club" and "Private Proprietary Club."

Cluster Development - An approach to land development whereby the spacing between buildings is reduced and provision is made for common open space, recreational land use or for the non-development of environmentally constrained portion of the land under development, resulting in smaller lot sizes per building but in little or no net change in the number of buildings per acre for the development as a whole.

Co-Location - means locating two or more transmission antennas or related equipment on the same cellular antenna tower.

Commercial Greenhouses/Plant Nurseries -One or more enclosed structures or outdoor areas, or combination thereof, used to grow and display landscape, indoor or aquatic plants for retail or wholesale sale; sale and display of landscape related materials are permitted only as an accessory use.

Commercial Lake -A lake or pond located on private property where a fee is charged for fishing, boating, swimming, and where fishing supplies, equipment, bait and food or drink may be sold as an accessory use, for the convenience of persons using the lake.

Commercial Sexual Entertainment Center -Any commercial establishment not otherwise described herein which makes available material, services or entertainment appealing to adult sexual interests, including but not limited to a "bath house", "swingers club" or similar establishment if the establishment or its entertainment, services or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

Commission -The Louisville and Jefferson County Planning Commission or its successor.

Common Area -Any part of a development owned, designed and intended to be used in common by the owners, residents or tenants of the development. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, or tenants.

Common Improvements - See "Common Facility."

Common Facility: Any facility or facilities owned in common by owners of lots in a development, including but not limited to private roads, signature walls and entrances, fences, clubhouses, tennis courts, drainage facilities, landscaped areas, and other common structures and areas.

Common Open Space - see "Open Space, Common."

Community Facility -A building , structure or land area owned or leased and operated by a governmental agency to provide a governmental or utility service to the public.

Community Center -A facility that is available for public use as a meeting place or for recreation that does not limit access only to members and does not charge membership dues

Community Residence -A residence licensed by the Commonwealth of Kentucky Department for Human Resources, operated and maintained to provide a homelike setting for developmentally disabled individuals (see definition), having only one kitchen and only one dining area (both of which must be common to the residence), not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources, where there are not more than eight persons who are not related to any other resident by blood, legal adoption or marriage.

Compensatory Storage - An artificially excavated holding basin to provide for stormwater during a peak storm period and which is required in the regulatory floodplain to compensate for anticipated additional runoff caused by filling and/ or construction.

Concept Plan -A preliminary presentation and attendant documentation of a proposed subdivision or development plan of sufficient accuracy to be used for the purpose of discussion and classification.

Conditional Use - A use specifically named in the Land Development Code which may be limited to specific locations and/ or by the requirement that certain conditions be met. Such conditions may be set forth generally in the zoning regulations and/ or may be specifically established on a case-by-case basis by the Commission or board of adjustment. Such conditions may include limitations on the hours of operation and other time limitations, and other requirements of a continuing nature as well as requirements which are made a condition precedent to the construction of a building or the commencement of a use.

Conditional Use Permit -Legal authorization to undertake a conditional use, issued by the Planning Official pursuant to authorization by the Board of Zoning Adjustment or Planning Commission. The authorization consists of two (2) parts: (a) A statement of the factual determination by the Board of Zoning Adjustment or Planning Commission which justifies the issuance of the permit; and (b) A statement of the specific conditions which must be met in order for the use to be permitted.

Condominium -A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Connection (Vehicular) -A driveway, street, turnout, or other means of providing for property access to or from controlled access facilities. For the purpose of access, two one-way connections to a property may constitute a single connection.

Connection Spacing, Minimum -The minimum allowable distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of the second connection along the right-of-way line. Where the right-of-way or connection is skewed or offset, this distance can be measured along the traveled way.

Conservation Easement - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

NOTE: Definition is from KRS 382.810 to 382.860, Refer to state and federal statutes concerning requirements and incentives relating to conservation easements.

Conservation Use -Uses within land and water areas designated for the purpose of conserving or protecting natural resources or environmental quality such as open space, nature study, passive recreation, wildlife habitat, nature preserve, wetlands protection and mitigation areas and other similar uses. In order to accomplish this objective, the following uses shall be permitted:

- A. Public passive parks;
- B. Public lands designated for open space or conservation;
- C. Open Space buffers between incompatible uses;
- D. Private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant is executed insuring that only open space or passive park uses shall be permitted;
- E. Water conservation areas, potable water well fields, retention/ detention ponds and other stormwater control structures, and public improvements that may be approved by the affected Public Works Official as long as the Conservation Area is not detrimentally impacted; and
- F. Single-family dwellings and customary accessory buildings.

Construction Cost, Total -The sum of direct and indirect costs of building a development. Direct costs shall include the cost of land preparation, structure (including fixtures), tenant improvements, parking and vehicular use areas, landscaping, and irrigation. Direct costs do not include the cost of land, demolition of existing structures, furniture, or equipment. Indirect costs include non-construction expenses such as architectural, engineering, surveying, appraisal, and legal fees, construction interest, permit fees, impact fees, and sales and marketing expenses.

Construction Easement -A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

Construction Limits Line -A line delineating that portion of a site that will be impacted during construction.

Construction Plans -The maps or drawings prepared for a subdivision plat or development plan and showing the specific location and design of improvements to be installed for the subdivision or development plan in accordance with the requirements of this Code.

Contiguous -See "Abutting."

Convenience Store -Any retail establishment offering for sale prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Also includes the term Convenience Grocery when the maximum floor area is equal to or less than 3,200 square feet.

Conveyance Zone -see "Local Regulatory Conveyance Zone."

Country Club -A privately managed recreational facility located on not less than 75 acres of land, and having such features as a golf course, tennis courts, swimming pools, bridle trails, and the like.

Court -An open space which may or may not have direct street access, and around which is arranged a single building or a group of related buildings.

Court, Inner -That portion of a lot unoccupied by any part of a building, surrounded on all sides by walls, or by walls and a lot line.

Court, Outer -That portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

Corner Lot -A lot fronting on two streets at their point of intersection.

Critical Facility -Any facility which, if unusable or unreachable because of flooding would seriously and adversely affect the health and safety of the public, to include (but without limiting effect hospitals, nursing homes, and housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; police stations, fire stations, emergency vehicle and emergency equipment storage facilities, and emergency operations centers likely to be called upon before, during and after a flood; public and private utility facilities important to maintaining or restoring normal services before, during and after a flood; and those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic, and/ or water reactive materials.

Curb -The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

Curvilinear - Formed or characterized by curved patterns; when used with reference to street pattern, the term is used to refer to a typical suburban street layout in contrast to the geometric grid layout of streets and alleys which often characterize urban neighborhoods.

Curvilinear Street System -A pattern of streets that is curved.

Day Care Center -Any facility whatsoever which cares for more than eight clients not related to the operator by blood, marriage, adoption or foster care responsibility and usually under 18 years old, away from the client's own home, for periods of less than twenty-four hours per day per client. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. This term includes Adult Day Care Center, Child Care Centers, Nursery Schools and Kindergartens, when not accessory to an elementary school; but does not include Group Care Facilities, Residential Social Service Facilities, any center under the jurisdiction of the State Board of Education, any private school except those solely below first-grade level or any center operated by a religious institution on the same lot as the religious assembly structure.

Deceleration Lane -An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

Dedicate -To set aside property for use by the public, usually for a particular purpose such as a right-of-way of a park.

Density -The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the area of the Development Site.

Department Store -Retail stores generally carrying a general line of apparel, such as suits, coats, dresses, and furnishings; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as table and kitchen appliances, dishes and utensils.

Detailed Development Plan -see "Development Plan, Detailed."

Developer -Any person or legal entity which undertakes development pursuant to Chapter 1 through 11.

Development -Except where the context otherwise requires, "development" shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two or more parcels; and any construction of improvements or clearing or the alteration of land from a natural state to facilitate a residential, commercial, business, industrial, or public use.

Development Plan -written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

Development Plan, Detailed -Development plan that depicts specific location and type of proposed improvements, in adequate detail to determine compliance with specific standards of the LDC. According to characteristics of the site, proposed development and form district in which it is located, the plan will define property lines and required setbacks; zoning and form district classification, existing uses and improvements situated on adjacent properties; tree canopy and required screening, buffering and landscaping; limits of disturbance; location of curb cuts, parking and pedestrian circulation; building footprint, number of stories and use; façade design and building materials; and other features required by the Land Development Code or binding elements.

Development Plan, General -Development plan that depicts essential features of a development proposal and its relation to its surroundings. It includes at a minimum boundaries of the site, preservation areas/ areas proposed not to be disturbed, intensity/ density of the use or range of uses proposed for the site, and relationship to adjacent properties.

Development Site -The property under consideration for a development, which may contain one or more Building Sites.

Developmentally Disabled Individual -An individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism (or dyslexia resulting from these), or to any other conditions closely related to mental retardation in terms of intellectual and adaptive problems.

Dimensional Variance - An act of the Planning Commission or Board of Zoning Adjustment granting departure from the terms of the form district regulations pertaining to height or width of structures and size of yards and open spaces, where such departure meets the requirements of KRS 100.

Direct Light -light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Director of Housing -The Director of Housing and Urban Development in the City of Louisville, if the proposed development is in the City of Louisville; or the Director of Human Services if it is located elsewhere in Jefferson County, or any successor agencies.

Director of Works - Director of Department of Public Works of the City of Louisville or Jefferson County Public Works and Transportation Department, or of the Consolidated Local Government as the case may apply; or the director of the successor department, as designated by the Metro Mayor. This term shall also include staff persons to whom the Director delegates authority to act on the Director's behalf.

Display Window - A window that is in the transparent area of storefronts used to display goods, merchandise, announcements, and other information relevant to the function of the establishment using the space related to display window. The display window is typically the area between the bulkhead and the transom of the building's first floor facade.

Diversity Units –Four price levels of housing unit qualify as housing diversity units. Level 1 units shall mean residential dwellings that shall be sold for a total price no greater than 2.5 times the current low-moderate income limit for a given household size; Level 2 units shall mean residential dwelling units that shall be sold for a total price no greater than 2.75 times the current low-moderate income limit; level 3 units shall mean a residential dwelling that shall be sold for a total price no greater than 3.0 times the current low-moderate income limit for a given household size; Level 4 units shall mean a residential dwelling units that shall be sold for a total price no greater than 3.25 times the current low-moderate income limit for a given household size. (See definition for a given household size.) Sales price restrictions are applicable to sale to initial occupant only. Household sizes shall be translated into house sizes as follows: one and two person households: 1 bedroom; three persons: 2 bedrooms; four persons: 3 bedrooms; five or more persons: 4 bedrooms.

Dredge and Fill -A process that creates land by dredging material from the bottom of a body of water and depositing this material on land usually adjacent to the water.

Dripline -The area circumscribed on the ground by a vertical line extended from the outermost extremities of a tree's branches to the ground.

Drive-In Facility -Any use which by design, physical facilities, service or procedure encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. This term includes "drive-thru" and "drive-up" facilities.

Driveway -A private roadway providing access to a street or highway.

Driveway Approach -That portion of the driveway within the street right-of-way between the curb and the property line, including the sidewalk section.

Drop Lens - see "Sag Lens"

Duplex -see "Dwelling, Two Family"

Dwelling -A building or portion thereof designed and used exclusively for residential occupancy. This term does not include hotels or motels.

Dwelling, Attached -A dwelling which has at least its own front yard and is attached to abutting dwellings by approved masonry party or partition walls, thus creating distinct and non-communicating one and two family dwellings. This term includes such terms as townhouse, rowhouse, maisonette, etc.

Dwelling, Model -A residential structure used for demonstration or sales purposes within a residential development under active development, open to the public for sales purposes, and not occupied as a dwelling unit.

Dwelling, Multi-family -Any group of three or more dwelling units occupying a single lot, whether composed of one or more than one principal building. However, this term shall not include attached dwellings. This term shall include the following:

A. **Efficiency Apartment** -A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

B. **Studio Apartment** -A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities, but having a partial separation within the room for the sleeping area.

Dwelling, Semi-Detached - Two dwellings with a single party wall common to both.

Dwelling, Single Family (or One Family) -A dwelling designed for and occupied exclusively by one family. This term includes Conventional, Average-Lot, Clustered and Zero-Lot-Line one family dwellings.

Dwelling, Two Family (or Duplex) -Any group of two dwelling units occupying a single lot or building site, whether composed of one or more than one principal building. This term includes Conventional, Average-Lot, Clustered and Zero-Lot-Line two family dwellings.

Dwelling Unit -Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy for no less than thirty (30) consecutive days or more by one family, and which at a minimum contains cooking, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term does not include hotel or motel rooms, extended stay lodging facilities, nursing home rooms, or assisted living units.

Easement -An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

Easement, Drainage -The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Educational Institution -A college or university giving general academic instruction equivalent to the standards prescribed by the laws of the Commonwealth of Kentucky.

Elevated Building -A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Encroachment -Any structure or vehicle occupying, projecting into or obstructing any portion of a designated public right-of-way, yard, floodplain or floodway, buffer yard, landscaped area or any other designated area in which the structure which is not permitted by Chapters 1 through 9, including but not limited to: building or other materials, all or portions of permanent or temporary buildings or other structures, fences and ornamental structures, and where appropriate to the context, vehicles; but excluding federally approved mailboxes where permitted and approved driveways as permitted under Chapter 6.

Encroachment, Vehicular -The projection of a motor vehicle into a landscaped area and where appropriate to the context right-of-way.

Engineer -A person currently registered and licensed to practice civil engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Erect -To build, construct, reconstruct, alter, relocate, raise, assemble, attach, hand, place, suspend or affix and shall also include the painting of wall signs.

Establishment – A business entity or endeavor, fixed, mobile or traveling, including its owners, operators, directors, shareholders, partners, employees and possessions.*

Excavation -Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing (Use, Structure or Activity) -Any use, structure or activity in legal existence on or before the original effective date of a regulation or standard contained in Chapters 1 to 10. When referring to a Mobile Home Park or Mobile Home Subdivision, this term shall mean that the construction of facilities for servicing the lot on which the Mobile Home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original effective date of the regulation or standard.

Expansion (of a Use, Structure or Activity) -Any increase in the amount of floor area or building site area for an existing use, structure or activity. When referring to Mobile Home Park or Mobile Home Subdivision, this term shall include the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Expressway -A highway for through traffic, with full control of access and grade separations at intersections; includes routes known as "freeway."

Extended Stay Lodging - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities.

Exterior Features -Includes the architectural style, general design and general arrangement of the exterior of a building or other structure, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other features of the building site such as trees, parking, sidewalks, etc.

Facade -Each exterior wall plane of a structure as seen from one side or view.

Family --One or more persons occupying premises and living as one housekeeping unit using one kitchen, and distinguished from a group occupying a boarding and lodging house, fraternity or sorority house, a club, hotel, or motel.

Factory Built Housing - A building or structure designed and intended as a single family dwelling unit and fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features, if any, removed, and that meets the additional standards specified in section 4.1.3 of this Land Development Code. This term includes "manufactured homes" and "modular homes" as defined in the 2002 Kentucky Residential Code or successor.

Family Care Home (Mini-Home) -A home licensed by the Commonwealth of Kentucky operated and maintained to provide 24 hour protection and personal care services for residential accommodations for three individuals or less who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required.

F. E. M. A. -The U. S. Federal Emergency Management Agency or any successor agency.

Fence -Any construction of wood, metal, wire mesh, masonry, or other material, erected for the purpose of assuring privacy or protection, but excluding shrubbery and plantings.

Fill -Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Filtered View - The establishment or maintenance of woody vegetation of sufficient density to partially screen structures and maintain a natural ridgeline silhouette against the sky. The vegetation need not be so dense as to completely obscure visibility of structures.

Final Subdivision Plat -see "Plat, Record."

Finished Elevation -The proposed elevation of the land surface of a site after completion of all site preparation work.

Fire Protection District - Any lawfully created agency established for the ostensible purpose of fire suppression and enforcement of laws and regulations related to fire prevention, protection and suppression.

Fixture -the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/ or a refractor or lens.

Flag Lot -see "Lot, Flag."

Flood or Flooding -A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland waters or the unusual and rapid accumulation or runoff of surface water from any source.

Flood, Local Regulatory -The flood having a one-percent (1%) likelihood of being equaled or exceeded in any given year based on a fully developed watershed.

Flood Elevation, Local Regulatory Base -Height of the local regulatory flood expressed as feet above mean sea level (National Geodetic Vertical Datum 1929). This is determined by hydraulic calculations using the runoff from a fully developed watershed using as the basis for calculation a methodology approved by the administering agency which includes storm duration estimates and using zoning maps current as of the time of the calculation, provided that in calculating runoff potential for publicly owned property dedicated to public open space, for existing cemeteries, for existing 18 hole or larger regulation golf courses and for land prohibited from development by ordinance of Jefferson County or one of the municipalities within its boundaries, the actual use rather than the designated zoning category on the zoning maps shall be used.

Flood Light -a form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

Flood Plain Board -The Board of the Louisville and Jefferson County Metropolitan Sewer District.

Floodplain, Local Regulatory -Any stream course or normally dry land area susceptible to being partially or completely inundated by the overflow of water from sources of public water or by the unusual and rapid accumulation or runoff of public surface waters and subject to a local regulatory flood.

Floodplain Permit -The approval required by Part C of Chapter 157 of the Jefferson County Code of Ordinances.

Floodplain Storage Compensation -An artificially excavated, hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage resulting from filling or construction within the local regulatory floodplain. Such floodplain storage compensation shall be within the same watershed and shall be provided on the same property or at an alternative site if the administering agency so approves.

Floodproof or Floodproofing -Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area - Total area within a building, measured from the exterior walls of the building, and equal to the sum of the number of square feet on each of the floors of the building. The number of square feet in an attic shall be counted to the extent that the height of the attic story is equal to or greater than seven feet; and the number of square feet in a finished basement shall be included, but the number of square feet in a basement other than a finished basement shall not be included (See "Basement, Finished".) Accessory portions of a building such as non-enclosed porches, garages, carports and uncovered steps or fire escapes are not included.

Floor Area Ratio - The number of interior square feet contained in a building (See "Floor Area") divided by the number of square feet contained within the fixed boundaries of the building lot.

Footcandle -the unit of illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

Form District – An area with distinct boundaries, delineated on the Zoning District Map to which a set of regulations governing the pattern and form of development and redevelopment applies.

Front Door -The entrance into the principal building on the building site facing the street.

Front Property Line -The shortest lot line which coincides with the right-of-way of a street or square. In the case of a lot abutting upon only one street the front property line is the line parallel to and common with the edge of the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the front line.

Fully Developed Watershed - A condition of a watershed which most accurately reflects the ultimate land use of the watershed and its potential to cause runoff.

Fully-Shielded Light Fixture (also known as Full-cutoff) - a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal and meets IESNA criteria for fully-shielded (or full-cutoff) fixtures. Any structural part of the light fixture controlling light emissions must be permanently affixed.

Functionally Dependent Facility -A use, structure, activity or facility which, in the judgment of the administering agency (MSD) cannot perform its essential project purpose unless it is located or carried out in close proximity to water. The term does not include long-term storage, manufacture, sales, service or residential facilities.

Funeral Home -A building used for the preparation of the deceased for burial, for the display of the deceased, and for ceremonies connected therewith before burial or cremation.

Garage, Parking or Storage -A building or portion thereof, designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, but where motor-driven vehicles are not equipped, repaired, or sold.

Garage or Yard Sale -The sale of goods from residential premises as an accessory use of property that are no longer needed or used at the site of the sale, whether advertised in local media, by signs, or otherwise as a garage sale, yard sale, household sale, moving sale, barn sale or other sale, accomplished by direct sale; or The sale, at the seller's place of residence, of all or part of the household goods or items, in conjunction with vacating the residential premises by the seller or the seller's estate, whether accomplished by direct sale or auction; or Sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises.

General Development Plan: see "Development Plan, General."

Glare -light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grade -The average elevation of the finished ground surface; when determining height of structures, it is the average elevation at the outside of a fence or wall, or at the outside walls of a building.

Grading -Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green -An open space, available for unstructured recreation. The green is surrounded by roadways or the fronts of buildings and, consist of grassy areas and trees.

Greenway - A linear open space at least 50 feet wide or other width as established by a legislatively adopted greenways plan, along either a natural corridor such as a riverfront, stream valley or ridge line, or along a railroad right-of-way converted to recreational use, a canal, scenic road or other route managed for public use including wildlife habitat. Greenways typically link parks, nature preserves, cultural features or historic sites with each other or with populated areas.

Grid Street Pattern -A street system that creates similar size blocks and four-way intersections. Grid street pattern is common in older neighborhoods and traditional development forms. A standard grid pattern is characterized by straight streets, 90 degree intersections and rectangular blocks. In a modified grid, a connected system of curvilinear streets may be replace the more formal grid pattern, to insure compatibility with adjacent development and to address physical features of the site.

Gross Acreage -The total land area of a building or development site, including property that may be dedicated for right-of-way or other public improvements during the development process.

Gross Floor Area - see "Floor Area."

Gross Leasable Area -The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. Gross leasable area does not include public or common areas, such as utility rooms, stairwells and shared corridors.

Ground Cover -Plants, other than turfgrass, normally reaching an average maximum height of twenty four inches (24") at maturity.

Groundwater -The supply of freshwater under the ground surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

Hedge -A series of shrubs planted in a manner so as to form a continuous visual screen.

Height (of a Building or Structure) -see "Building Height."

Height (of an Antenna Tower) -The distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, including any attachments to the structure such as an antenna.

Height of Luminaire -The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Historic District -An area designated by a local government or Historic Commission or Board which includes or encompasses such historic sites, landmarks, buildings, signs appurtenances, structures, or objects as may be determined to be appropriate for historic preservation.

Historic Landmark -Any site, building, or structure of particular historic or aesthetic significance to a city, county, state or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style, or method of construction, or a notable work of construction, or a notable work by a master designer or architect.

Holder - Either:

1. A governmental body empowered to hold an interest in real property under the laws of this state or the United States; or
2. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Home for the Infirm and Aged -Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute or chronic illness, or by reason of physical or mental handicap require more care than does a normal person.

Home Occupation¹ -An occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence. (see **Chapter 4, Part 4**)

Hospital -A facility licensed and regulated by the Commonwealth of Kentucky, which provides diagnosis, acute and post-acute care and treatment of illness, injury, abnormality or pregnancy. Such facilities usually include clinical laboratory services, X-ray services, surgery, obstetric care, etc. This term includes the following types of facilities: mental institutions and sanitariums; mental health receiving centers; and detoxification centers.

¹ See Appendix 1C for changes to this definition in effect for the City of Middletown.

Hotel - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk.

Human scale -The proportional relationship of a particular building, structure, or streetscape element to the human form and function.

Impervious Surface - Any material that substantially reduces or prevents the infiltration of storm water into the soil. Impervious surface shall include graveled driveways and parking areas.

Impervious Surface Area -The area of ground covered by any part of a building, street, vehicular use area, or any other structure, improvement, facility or material which prevents or severely restricts natural percolation of moisture. This includes all asphalt and brick surfaces, and areas devoted to any outdoor storage and/ or display of materials and merchandise, but does not include residential accessory swimming pools. Gravel surfaces shall be considered impervious when used for a vehicular use area, and porous otherwise. Unpaved vehicular use areas shall also be considered impervious, except those designated and approved for occasional vehicular use only. Wooden patios under Chapter 8 shall be considered pervious.

Impervious Surface Ratio - The ratio of land area covered by an impervious surface to total land area.

Infill Development - Development that occurs on vacant or underutilized land in an area within which a majority of the land is developed or in use. (Refer to form district regulations for specific definitions and criteria relating to infill.)

Improvements (or Site Improvements) -Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRM's), permanent control points (PCP's), or any other improvement required by Chapters 1 through 10.

Indirect Light -direct light that has been reflected or has scattered off of other surfaces.

Infrastructure -Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

Interior Landscaping Area (ILA) - An interior landscaping area (ILA) is a peninsular or island-shaped planting area, located within a vehicle use area, with the express purpose of mitigating the environmental and visual effects of a VUA.

Irrigation System -An artificial watering system designed to transport and distribute water to plants.

Junk Yard -Any property, premises or place of business, including, but not limited to, auto salvage and auto crushing enterprises, maintained, operated, or used for storing, keeping, buying or selling of five (5) or more junked, wrecked, or non-operative automobiles, vehicles, machines, appliances and other similar scrap or salvage materials, scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material. This term shall include used car parts dealers. However, this term shall not include a scrap metal processing facility or any facility regulated by Chapter 51 of the Jefferson County Code of Ordinances [solid waste].

Karst – Reserved.

Kennel, Commercial -Any lot, structure, premises, or establishment where one or more dogs or cats are kept for commercial purposes such as where dogs and/ or puppies or cats and/ or kittens are kept for the primary purpose of breeding, buying, selling, boarding, grooming, or training of such animals.

Kennel, Non-Commercial -Any facilities at, in or adjoining a private residence where dogs or cats are kept strictly as family pets or are kept for the hobby of the householder in using then for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trials or for guarding or protecting the householder's property. The raising of three or fewer litters at the facility in a twelve month period and the sale of three or fewer litters of pups and/ or kittens in a twelve month period by the keeper of a non-commercial kennel does not change the character of the facilities so as to make them a commercial kennel.

Ldn -Day/ night average sound level, which is the twenty-four hour average sound level in decibels obtained after the addition of ten decibels to the night-time sound level measured from 10: 00 P. M. to 7: 00 A. M.

LG& E - Louisville Gas and Electric Company, or its successor.

Lamp -the component of a luminaire that produces the actual light.

Land Clearing -Removal of all trees and/ or vegetation from the land surface to mineral soil.

Land Disturbance -Any activities that change or disturb the natural surface of the land such as clearing, removal of tree canopy, grading, excavating, filling, and storing or stockpiling of material.

Land Disturbing Activity - All construction, demolition, reconstruction modification, extension, or expansion of structures or parking areas, placement of fill, dumping, storage of earthen materials, excavation, land clearing, clear-cutting, tree and vegetation removal, grading, grubbing or any similar activity or combination thereof that changes the natural cover or topography creating the potential for erosion and contribution to sediment.

Land Use -A description of how land is occupied or utilized. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

Landfill -A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Landing Area -The area of an airport used for the landing, taking off and taxiing of aircraft.

Land Surveyor -A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Landscape Buffer Area (LBA) - Area that must be set aside, free from development, to accommodate required landscape and buffering materials. No buildings or structures except fences, walls, or those structures attendant to public utility service shall be allowed within the required LBA.

Landscaping - Treatment of land comprising a building site or easement which consists of, but is not limited to, the use of grass, ground covers, shrubs, vines, hedges, trees, berms and architectural landscape features and material, for the visual and functional purposes of the site.

Landscaping Lighting -type of outdoor lighting used to illuminate landscaping areas (flower beds, trees, vegetation) and other aesthetic features on a parcel (flag poles, etc.).

Laundry, Self-Service -A business that provides self-service dry cleaning, washing, drying, or ironing machines for hire, to be used by customers on the premises.

Light Trespass -the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Live/ Work Unit -A mixed use structure held in single ownership and containing: (a) commercial or office use not to exceed more than 50 percent of the floor area of the building; and (b) residential use which shall include the balance of the remaining building floor area. Residential use may utilize up to 100 percent of the building floor area.

LOJIC (Louisville and Jefferson County Information Consortium) - The cooperative technological effort formally implemented by the City of Louisville, Jefferson County, Metropolitan Sewer District and the Property Valuation Administrator that is designed to coordinate all the agencies' traditional mapping efforts, from streets and streams and utility lines to land use zones.

Loading Area/ Space (or Berth) -Designated areas where trucks may load and unload cargo. Said areas shall be at least 10 feet by 50 feet with a minimum height clearance of 14 feet and shall have appropriate means of access. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Local Regulatory Conveyance Zone -The channel of a river or solid blue line stream and the land adjacent to that river or stream which if unobstructed will discharge a local regulatory flood without cumulatively increasing the water surface elevation more than one tenth of one foot. The conveyance zone is determined by an equal loss of conveyance (at higher elevation) occurring on each side of the channel.

Local Regulatory Floodplain -see "Floodplain, Local Regulatory."

Lot - The smallest subdivision of land having fixed and described boundaries for purposes of conveyance of title, and (when part of a subdivision) having an assigned number or other designation through which it is identified.

Lot Area -The total land area within the fixed boundaries of a lot.

Lot, Corner -A lot whose lines are adjacent to two or more streets from their point of intersection.

Lot Depth, Mean -The mean distance from the front street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

Lot, Flag -A lot or building site which has a minimum frontage on a public or private street, the buildable area of which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all ordinance requirements.

Lot Frontage -The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

Lot, Interior -A lot other than a corner lot.

Lot Line (or Property Line) -Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

Lot, Dual Frontage or Through -An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width, Mean -The mean distance from a side line of the lot to its opposite side line, measured in the mean general direction of the front and rear lines of the lot.

Note: Low-moderate income levels for the Louisville MSA are updated annually. This information is available from the US Dept. of Housing and Urban Development website. Refer to Section 8 income limits as posted at www.huduser.org/Datasets

Low-moderate Income -Annual gross income that is less than or equal to 80% of the median income for households of the same size in Jefferson County, as published annually by the US Department of Housing and Urban Development.

Lowest Adjacent Grade -The lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Lumen -A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire -a complete lighting system, and includes a lamp or lamps and a fixture (See [Appendix 4A](#) for examples of acceptable luminaires).

Major Thoroughfare Plan - Includes a plan depicting all collectors, arterials, and limited access roads but does not include local roads.

Major Transit Corridor -Corridors that are served by public transit service seven days a week and with no more than 30 minute daytime headways on weekdays.

Manufacturing -The processing and converting of raw, unfinished, or finished materials or products, or any of these, into an article or substance of different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Map Amendment - A change in the boundaries of a form district, zoning district or other special district.

Marina -A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marina and Boat Rental - A facility which allows the docking or temporary storage of boats, minor servicing and repair of boats while in the water, and retail sales not occupying more than 500 square feet.

Marina and Boat Rental, Commercial - A facility which allows the storage or docking of boats, minor servicing and repair of boats while in the water, the sale of fuel and supplies, lodging, food sales, and restaurant facilities.

Marquee -A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Massage Parlor -An establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand or any other part of the human body which promotes its services in a manner designed to appeal to the patron's sexual interest. *

Massing -The width, volume and proportions of a building and its parts.

Materials – When used in the context of any Adult Entertainment Activity or Establishment, means any book, magazine, newspaper, or other printed or written matter, or any picture, drawing, photograph, motion picture, video cassette film or other pictorial representation or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials.*

Meadow - An open space available for unstructured recreation. Its landscape is naturalistic consisting of native, herbaceous plants and requiring minimal maintenance.

Median, Non-Restrictive -A median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes roadways with continuous center turn lanes and undivided roads.

Median, Restrictive -The portion of a divided roadway or divided driveway separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/ or island, and a grassed or swaled median.

Median Opening, Directional -An opening in a restrictive median which provides for only U-turn and/ or left-turn movements.

Median Opening, Full -An opening in a restrictive median designed to allow all turning movements to take place from both the roadway and the adjacent connection.

Median Opening Spacing, Minimum -The minimum allowable spacing between openings in a restrictive median which allows space to cross the approaching traffic lanes to access property or to cross the median to travel in the opposite direction. The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

Medical Laboratory -Any institution, building, place or any other facility in which operations and procedures for the micro-biological, serological, chemical, hematological, immunohematological, biophysical, cytological, pathological or other methods of examination of tissues including blood, secretions and excretions of the human body are performed to obtain information in diagnosing, preventing or treating disease, or in which the results of any examination, determination or test are used as a basis for health advice. These activities include the diagnosis and identification of disease by the examination of tissues removed by surgery and also the determination of cause of death by the examination of tissues removed at autopsy.

*See figure
8.1.1 for
map of the
Metropolitan
Area*

Meeting Hall -A building designed for public assembly.

Metropolitan Area An area within Jefferson County, Kentucky as shown on the attached map which is incorporated herein and said area being more particularly described as follows:

Beginning at a point in the centerline of Dixie Highway, said point being 2,000 feet Northeast of the centerline of the Snyder Freeway; thence with a line parallel to the centerline of the Snyder Freeway, if extended, North 64 degrees 32 minutes 19 seconds West crossing the Ohio River to the Kentucky State Line; thence Northeast with said state line to a point, said point being 2,000 feet South of the centerline of the Snyder Freeway if extended from its terminus at US Highway 42; thence with a line crossing the Ohio River and parallel to the centerline of the Snyder Freeway South 64 degrees 16 minutes 47 seconds East to a point in the east line of US 42, said point being 2,000 feet Southwest of the centerline of the Snyder Freeway; thence with a line 2,000 feet from the centerline of the Snyder Freeway, and parallel to same, southeast, south, southwest, west, southwest and west to the point of beginning.

Mini-Warehouse -A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual compartmentalized stalls or lockers with access controlled by tenant for the storage of customer's goods or wares. An operation involving a security arrangement utilizing a warehouseman as provided for in Article 7 of KRS Chapter 355 is not a mini-warehouse.

Mobile Home -Any vehicle or similar portable structure used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons, including camper or vacation trailers; or any structure fabricated in offsite manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq., and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code, but not meeting the additional standards as required in [Section 4.1.2](#), Factory Built Housing.

Mobile Home Space - An area within a Mobile Home Park designed for the accommodation of one mobile home for the exclusive use of occupants.

Mobile Home Pad -That part of an individual mobile home space which has been reserved for the placement of the mobile home, appurtenant structure or additions thereto, including necessary electrical, plumbing and other utility installations.

Mobile Home Park -A parcel of land under a single ownership or management which has been planned and improved for the placement of mobile homes for non-transient occupancy and consisting of mobile home spaces for rent or sale.

Model Dwelling -see "Dwelling, Model."

Monument -A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Motel -An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ten or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms.

Motor Vehicle -see "Vehicle."

MSD -Louisville and Jefferson County Metropolitan Sewer District, or its successor.

Multi-Family Dwelling -see "Dwelling, Multi-Family."

National Flood Insurance Program -The Federal program authorized by 42 United States Code 4001 et seq., making available flood insurance protection to property owners in flood prone areas, which availability is conditioned on the community's adoption and enforcement of flood plain management regulations meeting the minimum criteria set forth in the statute and the regulations.

Native Tree -Tree species indigenous to the area of Central Kentucky or more specifically, to the Jefferson County area.

Native Plant Community -An indigenous association of plants identified by one or more prominent species or a characteristic physical attribute.

Net acre -The total area of a development site excluding jurisdictional wetlands, slopes over 20%, and conveyance zones. *(This definition is only applicable in the PVD District.)*

Noise Sensitive Community Facilities -Uses generally attracting groups of people, that would be disrupted or substantially impaired by high noise levels. Noise sensitive community facilities include but are not limited to hospitals, schools and libraries.

Nonconformity (or Nonconforming) -An activity or a building, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

Non-Metropolitan Area - All the area within Jefferson County, Kentucky not described as a Metropolitan area.

Normal High Water Elevation -The landward edge of any natural surface water body during normal hydrological conditions.

Nursery School and/ or Kindergarten -Any place where children between the ages of two and five years come together for not less than two hours a day and not more than six hours, and wherein a supervised education is offered.

Nursing Home -Any institution, however named, maintained for the care or treatment of two or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses, where there are more than five persons who are not related to any other resident by blood, legal adoption or marriage.

Off-Street Loading - see "Loading Area/ Space (or Berth)."

Off-Street Parking Space - see "Parking Space."

One Hundred Year Flood -A flood resulting from a 100 year storm.

One Hundred Year Storm -A rainfall which, based on the period of record, may be expected to be equaled or exceeded on the average of at least once every 100 years. It does not imply that no greater flood is likely to occur, nor that such a flood will not happen more often than one every one hundred years.

Open Air Market -Any retailing use held in an open area or structure, whether periodically, occasionally or continuously, where one or more individual sellers offer goods or agricultural products for sale to the public. This term includes flea markets and fruit and vegetable stands, but does not include roadside agricultural stands.

Open Space - Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or improved or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

Open Space, Common - Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed of restriction.

Open Space, Private - Open space that is owned by a private individual or entity but is protected or maintained under a recorded conservation easement.

Open Space, Public - Open space that is accessible to the general public.

Outdoor Lighting -the night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means. This includes luminaires used to illuminate advertising signs, landscaping, architectural features, walkways, driveways and parking areas.

Outdoor Sales and Display -The placement of any items(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. (This shall not include outdoor dining and seating areas associated with a restaurant.)

Outdoor Storage -The keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Outlot - A separate parcel, often within a larger commercial and/ or office development.

Owner -Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development pursuant to Chapters 1 through 10.

Parapet -A low, protective wall constructed as the continuation of the exterior wall of a building and placed along the perimeter of the roof of a building.

Parcel - See "Lot."

Park – A relatively large open space available for recreation and usually located at the edge of a development, neighborhood or village. It may be surrounded by roadways, the fronts of buildings, or the side or rear of publicly or privately owned lots. It is usually partially enfronted by buildings and has a landscape which may consist of natural areas, paved paths and trails, some open lawn, trees, recreational facilities and open shelters, and requires substantial maintenance.

Parking Aisle -An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking Area (or Lot)-An area of land reserved for the purpose of vehicular storage. Such areas shall include parking spaces and vehicular maneuvering areas, but shall not include outdoor display or sales areas.

Parking Module -A standard arrangement of parking spaces containing two tiers of spaces served by a single parking aisle.

Parking Space -An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/ motor vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/ motor vehicles. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Parking, Joint Use - The sharing of a parking area or space for more than one establishment.

Parking, Shared -Joint use of a parking area or space for more than one establishment.

Passenger Vehicle -See "Vehicle."

Pavement Width -The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

Pedestrian Access -An improved surface which connects the public right-of-way with private property or a building entrance.

Pedestrian and Bicycle Corridor - A linear open space at least 30feet wide, containing a pathway for pedestrians and/ or bicycles and providing linkages within, between and among developments, neighborhoods and the community as a whole.

Pedestrian Way - A right-of-way, dedicated to or set aside for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Permitted Use -A use which is specifically authorized by right in a particular zoning district.

Person - Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

Person With a Disability - A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pleaded guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person With a Disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 21 8A.

Personal communication service - has the meaning as defined in 47 U. S. C. sec. 332(c).

Phase -A designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

Plan Certain – The procedure associated with rezoning requests whereby the Planning Commission or legislative body may designate, at the time of approval of any development plan, elements and restrictions of the approved plan that are an integral part of the development plan and binding on the use and development of the subject property. (See Section 11.4.7).

Planning Director-The Director of the Division of Planning and Design Services or its successor, or his/ her designee.

Planting, Site Specific -The selection of plant material that is best suited to withstand the physical growing and soil conditions which are found in a particular location and microclimate.

Planting Strip -A strip or border with grass or landscaping that separates the sidewalk from the street.

Plant Nursery -Wholesale establishments primarily engaged in the production of ornamental plants and other nursery products, such as bulbs, florists greens, flowers, shrubbery, vegetable seeds, plants, and sod.

Plat (or Subdivision Plat) -A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of Chapters 7 and 9. This term includes Replats, Amended Plats and Revised Plats, as well as Minor and Major Plats.

Plat, Final (or Record) -The final map of all or a portion of the subdivision which is presented to the appropriate authority for final approval in accordance with Chapters 7 and 9 and which, if approved, shall be filed with the Clerk of the Jefferson County Court.

Plat, Major -see "Plat."

Plat, Minor -see "Plat."

Plat, Preliminary -The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the requirements of Chapters 7 and 9 relating to preliminary plats.

Plat, Record - see "Plat, Final."

Playground - A relatively small open space containing play equipment and areas for active recreation.

Plaza - An open space located at the intersection of streets, set aside for civic purposes and short term, incidental commercial activity such as a farmers market. It is surrounded by the fronts of buildings and/or streets and its landscape consists of durable pavement and formally arranged trees and other landscape elements that require little maintenance.

Porch - An exterior appendage to a building, forming a covered approach to a doorway and which is not enclosed other than by porous screens.

Preliminary Plan - A drawing conforming to the requirements of Chapter 11 herein.

Preservation - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property, including preliminary measures to protect and stabilize the property and the ongoing maintenance and repair of historic features and sometimes including the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required upgrades necessary to make properties safe and functional.

Primary Façade - A side of a building that is visible from a public right-of-way or has the primary customer entrance. A building may have more than one primary façade when detail, materials and roof treatments are consistent with each other. Utility meters located on primary façades shall be screened from view.

Primary Street – The street with the highest functional class abutting a property. Where there is more than one street with the same functional class abutting a property, the Planning Director or designee shall determine the primary street for the site. There shall be only one primary street adjacent to a property.

Principal Structure -A structure or combination of structures of primary importance or function on a site. In general, the primary use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, and similarity of design, use of common building materials, and the orientation of the structures on a site.

Principal Structure Area -In the context of the Traditional Neighborhood Form, the area of the lot located between the Public Realm Area and the Private Yard Area and is occupied by one or more principal structures.

Principal Use -The primary or predominant use or structure of any lot, as distinguished from accessory uses and structures.

Principal Use – When used in the context of any Adult Entertainment Activity or Establishment, means a substantial or significant use, but not necessarily a majority of the business activity or stock in trade. In the context of any Adult Entertainment Activity or Establishment, Principal Use shall exist in the following circumstances:

(1) Where a business establishment dedicates, or permits the use of, at least twenty-five percent (25%) of the utilized square footage of its premises for adult entertainment activity; or

(2) Where at least twenty-five percent (25%) of the gross receipts of a business establishment, excluding food and beverage receipts, results from adult entertainment activity.

Private Non-Profit Club -Buildings and related facilities owned or operated by a corporation, association, person or persons, established for the enrichment and promotion of the social, educational, cultural or other interests of the members of an organization, which organization operates on a membership basis with pre-established formal written membership qualifications, required dues, regular meetings, and a constitution and by-laws, which buildings and facilities are not operated, used, or leased primarily for profit nor to render a service which is customarily carried on as a business.

Private Proprietary Club -Buildings and related facilities established for the recreational or other common interests of the members or users, which buildings and facilities are operated as a business, commercial activity, or for profit, but not including buildings and facilities established for activities listed in these regulations as adult entertainment activities.

Private Yard Area-In the context of the traditional form districts, the Private Yard Area is the area of the lot located between the Principal Structure Area and Accessory Structure/ Use Area. The Private Yard Area must be unenclosed and open to the sky except for permitted fences, decks, and small sheds. Sheds may not exceed 120 square feet. Unroofed pools, atriums, gardens, garden courts, walks, patios, and other similar uses are acceptable. No other uses may be located within this area, including off-street parking.

Property -A lot, parcel, or tract of land together with the building and structures located thereon.

Protected Waterway -

- a. Any perennial stream or river (or portion thereof) that is portrayed as solid on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition;
- b. Wetlands greater than 0.1 acre and subject to federal jurisdiction of the U. S. Environmental Protection Agency and the Army Corps of Engineers;

- c. Lakes with a permanent pool elevation greater than 3 acres in size if they constitute “waters of the Commonwealth” as defined in KRS 224; and
- d. Other water bodies that have been designated through nomination and legislative approval. A water body may be nominated as a Protected Water Body by resolution of the legislative body(ies) or by resolution of the Planning Commission. The Planning Commission shall conduct a public hearing and recommend candidates for designation to the legislative body(ies) with jurisdictional control which shall have final designation authority.

Public Art - Includes, but is not limited to, that form of sculpture, mural or painting, water element, lighting, or other form of creative expression designed by and executed under the supervision of an artist which is viewable within an open space, upon a building or within a public right-of-way, subject to the approval of the Downtown Development Review Overlay District Committee (DDRO).

Public Entrance -An entrance to a structure that is maintained accessible to the public and free of encumbrances that might interfere with its use by the public.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation.

Public Realm -In the context of the Traditional Neighborhood Form, the area of the lot occupied by the public right-of-way and the area in front of the principal structure or to the required principal structure setback/ build-to line.

Public Square -An open space, often an entire block, at the intersection of important streets, set aside for civic purposes and surrounded by the fronts of buildings, its landscape consisting of paved walks, lawns, trees and civic buildings, all formally disposed.

Public Utility -Any public or private utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

Public Water -Water that flows from more than one property or from public lands or rights-of-way.

Qualified Acoustical Consultant -A person who, by reason of his/ her training and experience in the science and technology of acoustics and his/ her knowledge of construction methods and materials, is deemed by the Planning Official as qualified to pass judgment on acoustical designs, materials, and methods of construction for reduction of sound levels.

Qualified Buyer -The Metropolitan Housing Authority (City or County) or a person whose household income for the last two years was 100% or less of the median household income for Jefferson County as reported annually by HUD, or a corporation that has received low income housing tax credit to be applied toward the subject site.

Qualified Buyer Verification Form -A form, provided by the public agency handling Community Development and Home Funds and successor programs, that verifies that a person's household income for the past two years was 100% or less of the median household income for Jefferson County as reported annually by HUD.

Record Plat -A plat for recordation in the office of the County Clerk of Jefferson County and conforming to the requirements of Chapter 7 herein.

Recreation (Use), Outdoor -Any premises (whether public or private) where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/ or services except golf courses.

Recreational Vehicle (RV) - see "Vehicle, Recreational."

Recreational Vehicle Park (or RV Park) -A parcel of land under single ownership, where sites are offered for rent for the temporary placement of recreational vehicles being used for travel, recreation or vacation purposes.

Recycling Collection Center -A facility used solely for the collection of recyclable materials, such as aluminum cans, paper, etc. and which is conducted solely within an enclosed non-permanent structure. Such facilities shall not be deemed to be a junk yard and are considered to be a light manufacturing and processing use.

Residential Care Facility - A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

Regional Center Access Road - A private access easement serving internal circulation needs of multiple structures in the regional center form district. This type of roadway intersects with drive aisles that give access to parking spaces. It does not intersect with individual parking bays and does not give direct access to parking spaces.

Residual Tract -Any portion of five acres or more of a tract to be subdivided which portion is not required to be surveyed.

Restaurant - Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages.

Restoration - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period, and including the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make the property functional.

Restrictive Covenant -A provision in a deed limiting the use of property.

Resubdivision -Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way - The streets, parkways, sidewalks, pathways and other land over which the public has a right of passage or land over which a rail line passes.

Right-of-Way Line -The lot line dividing a street and a lot. For public streets the right-of-way line shall be the existing lot line; for private streets the street line shall be the edge of the curb, or the edge of the legally described street, whichever is greater. However, on any streets exhibited in the Major Thoroughfare Plan, the right-of-way line shall be the street centerline setback line in such Plan, or the existing street curb line, whichever is the greater.

Riparian Area -land areas adjacent to a stream, wetlands, or other body of water that contain vegetation, habitats, and ecosystems associated with bodies of water or dependent on the flow of water in the adjacent stream, wetlands, or other water body. A riparian area will vary in width depending on the particular stream, wetlands, or other body of water.

Riparian Vegetation - Vegetation including trees, shrubs, and ground cover that occurs naturally in Jefferson County along streams. This vegetation provides stream bank stabilization, erosion control and filters surface drainage. Native species of trees that thrive in a riparian zone include but are not limited to sycamore, silver maple, box elder, white ash, American elm, sweet gum, black gum, pin oak, cottonwood, black willow or other willow species, river birch and ironwood. Native shrubs that thrive in the riparian zone include but are not limited to spicebush, witch-hazel, shrub dogwoods and false indigo.

Riprap - Natural rock material used to stabilize embankments.

Roof Line -The juncture of the roof and the perimeter wall of the structure.

Sag Lens (or Drop Lens) -a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Scale -The height, size and bulk of a structure compared to the height of adjacent buildings and to the height of a human and/ or the apparent height, size and bulk of the components of the facade compared to the apparent height, size and bulk of the structure.

Scenic Easement - See "Conservation Easement."

School -A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects. This term does not include child care centers if separate from elementary schools.

Screening -The use of solid fencing or dense vegetative plantings to visually block a particular use from an abutting or adjacent use. See also "Buffer."

Sediment -Solid material, mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by water.

Sedimentation -The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

Self Designated Adult Entertainment Center - Any establishment which designates all or a portion of its premises as for adults only, or has a policy of excluding minors from its premises or from a portion of its premises or which advertises so as to convey the impression that the services, entertainment, matter, or goods available at the premises or at the portion of the premises designated for adults only are characterized or distinguished by depictions of sexual activities as defined in this section. *

Semi-pervious Paving System (or Porous Paving System) -A surfacing system composed of structural units with void areas filled with pervious materials such as sand or grass turf so that at least sixty-five percent of the surface area is permeable. A gravel base course provides storage as runoff infiltrates through the porous paving system into underlying permeable soils.

Sexual Activities – Partial or complete male and/or female nudity in conjunction with:

- (1) Depiction of human genitals in a state of arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

Shared Use Path -A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way. Shared use paths may also be used by pedestrians, skaters, wheel chair users, joggers, and other non-motorized users.

Shielded (also known as cutoff) Light Fixture - A lighting fixture constructed in such a manner that no more than 2.5 percent of the lamp lumens, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, are not emitted above the horizontal plane through the lowest direct-light-emitting part of the luminaire.

Shopping Center -A group of commercial uses planned, constructed and/ or managed as a total entity with unified design and customer and employee parking provided on-site.

Shopping Mall - A large enclosed building containing a group of commercial uses which share a designated enclosed walking area. Shopping malls may be planned, constructed and/ or managed as a total entity and have unified customer and employee parking provided on site.

Sign - Any device, structure, fixture, display, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, place, activity, business, or service.

Sign Plan-A coordinated plan for developing signs for an individual building or a group of buildings.

Signature Entrance -Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major single family subdivision or to a multi-family complex of five acres or more.

Sinkhole - A hole formed in soluble rock by the action of water, serving to conduct surface water to an underground passage and which is often observable as a depression in the ground surface. See "karst".

Site Plan - A plan or a plan revision for the lot upon which a proposed development is to be located.

Solar Collector -A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy System -A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system.) Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

Solid Waste Transfer Station -A facility, with all operations confined within an enclosed building, for the accumulation, sorting, storage and compaction of recyclable and/ or re-usable material, and for compaction and transfer of non-recyclable solid waste for ultimate disposal off the premises. Materials that may be recycled or processed are paper, cardboard, wall board, glass, plastic, insulation, dimensional lumber, metal beverage and food containers, and those materials whose manufacture, processing, treatment or storage are specifically permitted in the M-2 zone. Inoperable automobiles and trucks, automotive parts, steel barrels and drums, chemicals, toxic materials and hazardous wastes shall not be accumulated, sorted or stored at a solid waste transfer station; nor shall a solid waste transfer station be used for any part of a scrap metal or similar operation.

Sound Level -In decibels, the quantity measured by an instrument satisfying the requirements of the American Standard Specification for Type I Sound Level Meter. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighing "A" and the standardized dynamic characteristic "SLOW".

Sports Fields - An open space area specifically designed and equipped for large-scale structured recreation including but not limited to baseball, football and soccer.

Spotlight -a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Square - An open space, often an entire block, at the intersection of important streets, set aside for civic purposes and surrounded by the fronts of buildings. Its landscape generally consists of paved walks, lawns, trees, and civic buildings, all formally arranged and requiring significant maintenance.

Stable, Private -A detached accessory building for the keeping of not more than two horses, owned by the occupant of the main building on a lot at least one acre in area provided, however, the capacity of the building may be increased if the lot whereon such building is located contains an additional twenty-five hundred (2500) square feet for each additional horse stabled.

Start of Construction -The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include the installation of streets and/ or walkways; nor does it include excavation for abasement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the principal structure. For a structure (other than a mobile home) without abasement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

State -The Commonwealth of Kentucky and its authorized agents.

Step Back - An offset or reduction in the mass of a structure, typically at upper story levels.

Storefront - The first floor of the primary façade. It includes the major components of the transom, display window, main entrance, piers and bulkhead.

Street -Any public way or legally created private way for vehicular traffic used as a means of access to lots abutting thereon, and including the following:

- (a) Major Arterial -A street primarily for through traffic, usually on a continuous route.
- (b) Minor Arterial -A secondary way or highway for use primarily as a connector for major arterials, minor arterials, or between a minor arterial and a collector.
- (c) Collector -A street intended to move traffic from local streets and other collectors to the arterial street system. A collector street serves a neighborhood or large subdivision and should be designed so that no single family residential properties face onto it. Collector level streets are those streets either designated as such by the Comprehensive Plan for Louisville and Jefferson County, or by the Director of Works.
- (d) Local -A street used primarily for access to abutting property.
- (e) Cul-de-sac -A street ending in a turn-around and designed not to be extended.
- (f) Stub street -A street usually ending at a property line which is designed to be extended in the future.

*See also
"Expressway."
For purposes
of the Land
Development
Code,
expressways
are not
considered
streets.*

(g) Through street -A local street or segment of a series of local streets which provides at least two separate points of access to a collector, arterial or another through street. Certain street segments not meeting this requirement may be designated a through street if approved by the County Engineer. All arterial and collector streets are designated as through streets. (See also "Grid Street Pattern")

Street Index File - The computerized listing of all the vehicular rights-of-way and areas with a common name in Jefferson County which is a part of the Louisville/ Jefferson County Information Consortium (LOJIC) and is maintained by the Division of Planning and Design Services.

Street Wall - A vertical plane at the right-of-way line created by the façade of a structure or series of structures along a given block face.

Structural Alterations -Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure -Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, and signs. In these regulations reference to buildings includes structures and vice versa.

Subdivider -Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under **Chapter 11** to undertake a subdivision of land hereunder for himself/ herself or for another.

Subdivision -Division of a parcel of land into two or more lots or parcels, for the purpose, whether immediate or future, of sale, lease, or building development; or if a new street is involved, any division of a parcel of land. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. The following shall not be considered a subdivision:

(1) consolidation of existing lots, parcels or tracts by deed or other recorded instrument; or (2) creation of an easement other than an access easement (e.g. utility easement, etc.), or (3) a division of land into lots of five acres or larger for agricultural use and not involving a new street

The term "**subdivision**" is further defined as follows:

1. Major Subdivision -Any subdivision not defined as a minor subdivision.
2. Minor Subdivision -Subdivision of a lot, not involving the creation of a public street, that results in the creation of no more than five lots; such original lot must not have been divided during the previous twelve (12) months.

Substantial Improvement -Any combination of repairs, reconstruction, alteration, additions to or improvements to existing development, taking place during the life of the structure and begun after the effective date of the applicable regulation contained in these Chapters, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. The market value of the structure for purposes of this ordinance is (a) the appraised value of the structure determined by a certified general real property appraiser licensed and certified by the Kentucky Real Estate Appraisers Board or lacking that, the current assessment of the structure shown by the Property Valuation Administrator of Jefferson County. This term includes repairs made to structures which have incurred damage equal to or in excess of fifty percent (50%) of the pre-damage value of the structure, regardless of the cumulative cost of the actual repair work performed. The cost of alteration, additions, or improvements shall reflect the value in the marketplace of the labor and materials to be used in the improvements. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places; or (c) the cost of flood-proofing or elevating a structure or any portion thereof above the local regulatory base flood elevation plus one foot.

Suburban Form Districts – Are those form districts that follow a more suburban pattern of development, the following are Suburban Form Districts: Neighborhood Form District, Suburban Marketplace Corridor Form District, Suburban Workplace Form District, Regional Center Form District, Village Form District "Outlying" and Campus Form District.

Surface Water Body -Any lake, stream, sinkhole or other water area, whether natural or man-made, but not including any jurisdictional wetland.

Swimming Pool -Any constructed pool used for swimming or bathing, over twenty-four (24) inches in depth, or with a surface area exceeding two-hundred fifty (250) square feet.

Tavern - A commercial establishment wherein alcoholic beverages are sold for consumption on the premises; a bar, a saloon; provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of food exceed the total receipts from the sale of alcoholic beverages shall be a restaurant.

Taxi Dance Hall -An establishment operated as a public dance hall where dance partners, either male or female, are available for hire for a monetary consideration payable either by the dance or as part of an entrance fee or membership fee.

Technical Review Committee (TRC) - An advisory board that reviews development proposals within Jefferson County. The TRC identifies, negotiates and resolves technical issues and conflicting agency requirements to enable DPDS staff to approve plans as delegated by the Planning Commission.

Telecommunications Facility -The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with an ancillary to telecommunications transmission.

Telephone Exchange Building -A building and its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers.

Temporary Outdoor Lighting -the specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 15 days, with at least 180 days passing before being used again.

Temporary Activities - Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: temporary carnivals and fairs, temporary parking lots, temporary circus, temporary rodeo, temporary "Haunted House", and temporary "Show House". **Theater** -A building or part of a building where the principal use is the showing of motion pictures, or of dramatic, musical or live performances.

Top of Bank - The point on a stream bank at which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristics.

Tract -A parcel of land greater than 40,000 square feet in area, the deed of which was recorded in the office of the Clerk of the Jefferson County Court.

Traditional Form Districts - The following form districts shall be considered traditional form districts: Town Center Form District, Traditional Neighborhood Form District, Traditional Marketplace Corridor Form District, Traditional Workplace Form District and Village Form District "Center".

Traffic Calming Techniques - Street alignment, barriers, and other physical measures to reduce traffic speeds and/ or cut-through volumes, in the interest of safety, livability, and other public purposes.

Trailer, Automobile - see "Utility Trailer."

Transit Compatible Development -A development that makes provisions for transit in the design of the site plan. The design may include provisions for bus turning radii, pavement that can support the weight of transit vehicles, limiting conflicts between pedestrians and transit vehicles and between general traffic and transit vehicles, and facilitating walking between buildings and transit stops. Other factors that may be considered include review of internal roadway and parking area, building placement, garage clearances, as well as recommendations on bus zones, shelters, awnings lighting fixtures and other improvements.

Transparent -A material that admits light without appreciable diffusion or distortion so that objects beyond are entirely visible. Examples include: clear glass and Plexiglas.

Tree -Any self-supporting woody plant of a species which normally grows, or is capable of growing, to an overall height of a minimum of fifteen feet in the north central region of Kentucky. This term includes canopy trees and understory trees, but does not include shrubs, ground cover or containerized trees and nursery stock trees for resale in licensed nurseries.

Tree Canopy -The area directly beneath the branches of a tree and within its dripline.

Tree Canopy Protection Area (TCPA) – An area of tree canopy preserved to meet the requirements of Chapter 10, Part 1 Tree Canopy.

Tree Encroachment -Any intentional or unintentional act which may reasonably be expected to cause a decline in the health of a tree, including:

- A. damage to the root system by machinery, storage or materials or soil compaction.
- B. substantially changing the natural surface grade within the dripline.
- C. excessive paving or building within the dripline.

Tree Removal -Any intentional or unintentional act which may reasonably be expected to cause a tree to decline and die, including: severing the trunk; excessive pruning of the trunk or branching system; mechanical damage to the branching system; mechanical damage to the bark and cambium layer; damage to the root system by machinery, storage of materials or soil compaction; substantially changing the natural surface grade within the dripline; excessive paving or building within the dripline; substantially changing the natural drainage patterns of the building site in a manner reasonably expected to kill the tree; and direct or indirect application of toxic substances or fire to the tree or its root system.

Tree, Type A - A large tree that will reach a mature height of over fifty (50) feet. (See Preferred Plant List)

Tree, Type B -A medium tree that will reach a mature height of approximately twenty-five (25) to fifty (50) feet. (See Preferred Plant List)

*The Preferred
Plant List is
Appendix 10A.*

Tree, Type C -A small tree that will reach a mature height of approximately ten (10) to twenty-five (25) feet. (See Preferred Plant List)

Tree, Understory -Any self-supporting woody plant of a species which normally achieves an overall height at maturity of 15-35 feet and a minimum crown spread of 15 feet, and which can grow beneath larger Canopy Trees.

Tree Well - A planting area for street trees, surrounded by paving; the tree well normally is situated in the sidewalk, between the curb and the edge of right-of-way.

Truck Sales/ Repair-A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles, other than passenger automobiles and trucks and vans less than 19 feet and less than 2 tons.

Truck. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration. Trucks are divided into three (3) categories as follows:

(a) Light Truck Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

(b) Medium Truck Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

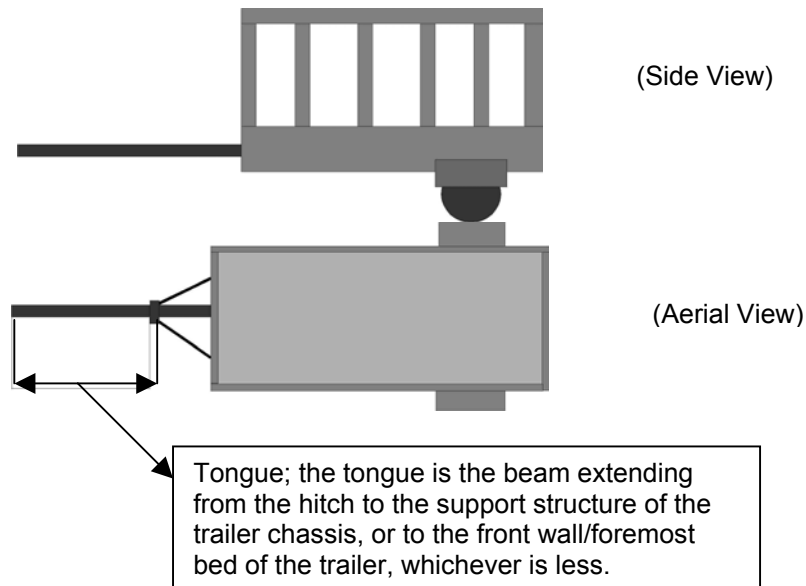
(c) Heavy Truck. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

Turfgrass -Continuous coverage of the ground surface by a grass species maintained by mowing.

Two-Family Dwelling -see "Dwelling, Two Family."

Underground Space -The entire existing cavern resulting from the extraction of subsurface located material from underground areas in such a manner that the surface area of the property is not disturbed except in the vicinity of the entrances and easements serving the development.

Utility Trailer. A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of 16 feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the "tongue".



Uniformity Ratio -The relationship between the average level of illumination and the lowest level of illumination for a given area. For example, if the uniformity ratio is 3: 1 and the average illumination of an area is 3.0 footcandles, then the lowest level of illumination allowed in the given area would be 1.0 footcandles.

Vadose Shaft - A vertical shaft extending from the ground surface to an underground area above the water table. A vadose shaft is found in areas with carbonate rock (limestone or dolomite) where groundwater has created a vertical cave (shaft) as it drops from one level to another.

Variance - see "Dimensional Variance."

Vehicle -Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Disabled or Inoperable -Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets.

Vehicle, Passenger -A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs) and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

Vehicle, Recreational - A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

(a) Motor Home - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

(b) Accessory Recreational Vehicle - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles. Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

Vehicle Sales and Rental -The use of any building, land area or other premises for the display, sale and/ or rental of new or used vehicles, and including any warranty repair work or other repair service conducted as an accessory use.

Vehicular Use Area -A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 sq. ft. of area or more used by five or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and vehicle sales and service areas. Driveways may be considered to be VUAs depending on their impact on adjacent residential uses or zones.

Verge -A strip or border with grass or landscaping that separates the sidewalk from the street.

Veterinary Clinic -A service use primarily engaged in providing medical care for animals, operated by a licensed veterinarian, and not offering facilities for the overnight care of animals except in connection with medical treatment. Any use providing facilities for the overnight boarding of animals or providing outside pens shall be classified as a kennel.

Warehouse Showroom -A warehouse which includes the display of merchandise and may provide retailing incidental to and accessory to the principal warehouse use. Warehouse showroom does not include any retailing as a principal use.

Warehousing (or Storage Facility) -Any premises where the principal use is the storage of goods and materials. This term includes personal storage facilities.

Watershed -All the area within a geographic boundary from which water, sediments and other transportable materials, and dissolved materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

Watershed Master Plan -The Plan adopted by the Board of the administering agency which depicts critical hydrologic and flood management elements of a watershed such as local regulatory floodplain and local regulatory conveyance zones and is supported by maps, graphics, text, models, and capital improvements planned by the administering agency.

Wetland -Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wheel Stops or Curbs -Permanently secured, durable devices no less than four inches in height, designed to restrict vehicular encroachment.

Wooded Areas - An area of contiguous vegetation where trees are at such a density that branches and leaves form a contiguous canopy.

Yard - An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

Yard, Front -A yard extending across the front of a lot, between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots the front yard shall be considered as parallel to the street on which the lot has its least dimension.

Yard, Rear -A yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side -An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, Street Side -A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line.

Zero-Lot-Line Development -Any residential development in which the required side or rear yards, or both, are eliminated to permit more efficient and effective siting and orientation of homes and private open spaces on the lot.

Zoning District - Any area within Jefferson County delineated on the Zoning District Map to which a set of regulations governing permitted land use, density and intensity of development applies.

Zoning District Map - The map setting forth the boundaries of the zoning and form districts of all of Jefferson County, Kentucky.

1.3.1 Use

- A. A nonconforming use is an established activity which lawfully existed at the time of the enactment of any zoning regulation which would not permit such activity.
- B. A nonconforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the nonconforming use exists; but a nonconforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by Chapter 1 Part 3.
- C. There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.
- D. Subject to the limitations and restrictions imposed by items A through C of Chapter 1 Part 3, the Board of Zoning Adjustment may permit a change in the nonconforming use to another nonconforming use only if the new nonconforming use is in the same or more restrictive classification and upon finding that the new nonconforming use will be no more odious or offensive to surrounding properties than the first nonconforming use. When the Board of Zoning Adjustment permits a change from one nonconforming use to another nonconforming use pursuant to this paragraph, it may impose such conditions upon such new nonconforming use as it finds are necessary to preserve the character of the neighborhood, to minimize nuisances to surrounding properties, and to protect the value of surrounding properties.
- E. Notwithstanding any provision in Chapter 1, Part 3 to the contrary, a residential structure located in an industrial district may be expanded if (1) the expansion does not increase the number of dwelling units on the subject property and (2) the expansion would be permitted if the existing structure were located in an R-5 Residential district.
- F. ABANDONMENT. The abandonment of a nonconforming use terminates the nonconforming use status. The burden of proof in a hearing before the appropriate Board of Zoning Adjustment on whether a nonconforming use has been abandoned shall be on the party asserting that the nonconforming use has been abandoned. However, a showing that the subject property has not been regularly used for the purposes for which the nonconforming use status is claimed for a period of one year shall create a presumption of such abandonment, and thereupon the burden of proof shall shift to the party asserting that the nonconforming use has not been abandoned. The Board may accept any substantial evidence sufficient to show that the nonconforming use has been discontinued for a period of one year or more. To rebut the presumption, the property owner must show by clear and convincing evidence that:

1. the property owner has undertaken to reinstate the discontinued nonconforming use on the property by such acts as would be undertaken by a reasonable person with the intent to reinstate said nonconforming use; and
2. there is a reasonable prospect that the nonconforming use will be reinstated in the foreseeable future.

1.3.2 Structures

A nonconforming structure is a building or structure the size, dimension, design, or location of which was lawful prior to the adoption, revision, or amendment of the zoning regulations, but which fails to conform to the requirements of the zoning regulations applicable to the property by reasons of such adoption, revision, or amendment.

There shall be no change of a nonconforming building or structure that would create nonconformance with regulations beyond that existing at the time the nonconformity began. A nonconforming structure may be expanded only as allowed by the following:

A nonconforming structure, which is designed for and devoted solely to uses permitted by the district in which it is located, may be expanded in a manner which does not increase the nonconforming aspect of such structure.

Existing nonconforming structures in the floodway shall not be expanded but may be otherwise modified, altered or repaired, providing such measures incorporate flood-proofing devices and comply with the provisions of all applicable statutes, ordinances, and regulations pertaining to floodplain management.

A nonconforming structure may be altered to the extent necessary to comply with a lawful order of governmental officials.

1.3.3 Lot

A nonconforming lot is a lot that was lawfully created prior to the adoption of the zoning regulations and being of a smaller minimum lot area or width than required by the regulations for the district in which the lot is located. A nonconforming lot may be used in accordance with the other applicable restrictions of this Land Development Code, but changes to the lot that create greater nonconformity with the minimum lot area are permissible only in accordance with the provisions of Chapter 1 Part 3.

1.3.4 Parking

Parking facilities that were legally in existence prior to the adoption or amendment of motor vehicle parking regulations, but which do not conform to current motor vehicle parking requirements of this Land Development Code, shall not be reduced below the minimum number of spaces required or increased above the maximum number of spaces allowed by applicable motor vehicle parking regulations. A use or structure that is legally nonconforming due to inadequate parking spaces may be altered if the additional parking spaces required by this Land Development Code are provided. If three or less spaces are required by the alteration, no additional parking spaces shall be required.

1.3.5 Signs

Any sign legally in existence on the effective date of any zoning regulation that does not permit such signs may continue in existence as a matter of right. Such nonconforming sign may be maintained and repaired on the same property so long as the size, including the area and height, is not increased beyond the existing size. A nonconforming sign cannot be altered in any way so as to make it less in compliance with existing regulations, such as by adding moving parts or illumination.

At such time as any structural element of a nonconforming sign is replaced, the sign must be brought into compliance with the requirements of current regulations except that a nonconforming business sign may be replaced by another nonconforming sign, provided that all nonconformance in area, height, and size that is to be changed is reduced by fifty percent (50%) of the difference between the existing nonconforming sign and what the regulation allows. Replacement of structural elements in this context means the disassembly and subsequent reassembly or the substantial alteration of the pole, base, or frame.

1.3.6 Removal

Voluntary demolition of a nonconforming structure, other than a nonconforming business sign, or a structure housing a nonconforming use nullifies the nonconforming rights to such use or structure. A nonconforming structure or a structure housing a nonconforming use that has been involuntarily removed or destroyed retains its nonconforming rights for a period of one year. Failure to re-establish the use or structure within one year nullifies nonconforming rights to such use or structure. Re-establish, as used in Chapter 1 Part 3, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the main building or other improvement have been let; or in absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment are under contract, in development, or completed. When construction is not a part of the use, re-established shall mean that the use is in operation.

1.4.1 Maintenance of Common Open Space and Common Facilities

- A. For purposes of maintaining any Common Open Space and Common Facilities provided in a development, a property owners association and a maintenance agreement for upkeep of the Common Open Space and Common Facilities which has been approved by the Planning Commission shall be recorded as a deed restriction, noted on the development plan, and shall be binding on purchasers of lots in the development. The Commission may designate standard forms for such agreement.
- B. The maintenance agreement shall include provision for assessing and collecting the common expense of maintaining the Common Open Space and Common Facilities from the owners of the lots within the development.
- C. Unpaid common expenses assessed in accordance with the recorded maintenance agreement shall become a lien on lots owned by the delinquent property owner prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by governmental authority, and (2) all sums unpaid on first mortgages of record. Such lien may be enforced by suit by a member of the property owners association acting on behalf of the other lot owners, in like manner as a mortgage of real property. Suit to recover a money judgment for unpaid common expenses of an owner shall be maintainable without lien enforcement or waiving the lien securing the same.

Appendix 1A

Land Development Code Adoption Status

Jurisdiction	Version of Code in Effect
Louisville Metro	Land Development Code July 2004
Jeffersontown	Land Development Code July 2004 ¹
Hurstbourne	Land Development Code March 2003
Lyndon	Land Development Code July 2004
Douglass Hills	Land Development Code March 2003
Graymoor-Devondale	Land Development Code March 2003
St. Regis Park	Land Development Code March 2003
St. Mathews	Development Code
Anchorage	Development Code
Shively	Land Development Code July 2004
Middletown	Land Development Code July 2004 ²
Prospect	Development Code
Indian Hills	Development Code

“Development Code” is the title of the Zoning and Subdivision Regulations in effect prior to March 2003. The Development Code and the 2003 versions of the Land Development Code are available on the Planning and Design website: www.loukymetro.org/PlanDesign.

¹ See Appendix 1B for specific changes to the July 2004 version of the LDC within the City of Jeffersontown.

² See Appendix 1c for specific changes to the July 2004 version of the LDC within the City of Middletown.

CITY OF JEFFERSONTOWN, KENTUCKY JEFFERSON COUNTY,
KENTUCKY

ORDINANCE NO. 1185, SERIES 2004

AN ORDINANCE RELATING TO ADOPTION AND AMENDMENT OF THE LAND DEVELOPMENT CODE FOR
ALL OF JEFFERSON COUNTY, KENTUCKY

WHEREAS, the Department of Planning and Design Services of the Louisville Metro Planning Commission has forwarded to the Jeffersontown City Council its complete Land Development Code, for all of Jefferson County, Kentucky; and,

WHEREAS, the Planning and Zoning Committee of the Jeffersontown City Council has reviewed same and recommended adoption, with certain amendments; and,

WHEREAS, the Jeffersontown, Kentucky Planning and Zoning Committee has favorably reported this Ordinance to the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AS FOLLOWS:

SECTION I. The Land Development Code for all of Jefferson County, Kentucky as promulgated by the Department of Planning and Design Services of the Louisville Metro Planning Commission is hereby adopted and incorporated by reference as if completely rewritten herein, with the following exceptions, to-wit:

FINDINGS:

2.4.3 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

-

A. PERMITTED USES:

Automobile rental agencies with no more than 25 10 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

2.4.4 C-2 Commercial District

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

A. PERMITTED USES:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

Boat Storage

Chapter 4 : Generally Applicable Development Standards Conditional

~~4.2.12.13 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)~~

~~Commercial Animal Feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

- ~~A. All buildings, structures, pens, and yards shall be at least 100 feet from all property lines.~~
- ~~B. Adequate water supply shall be available to maintain the premises in a sanitary condition.~~
- ~~C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.~~

Accessory Uses and Miscellaneous Standards

Section 4.4.1 (A) Adult Entertainment Activities

Please add "escort services" as one of the following activities.

Section 4.4. 3B 2-Location 4th Paragraph.

Please add the language "appropriate" before Public Works Department.

4.4.5 HOME OCCUPATIONS

K. License Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves

customers, clients or pupils at the site, or

(ii) has one or more non-resident employees, the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section

4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation meeting either criteria (i) or (ii) above that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation.

Upon registration of a home occupation the Planning Director shall transmit a copy of said registration to the City of Jeffersontown.

Chapter 4 Part 5

Part 5 Alternative Development Incentives

* The City of Jeffersontown has not adopted this section of the Land Development Code at this time.

Chapter 5 Form District Regulations

Part 4 Residential Site Design Standards

Section 5.4.2 Suburban Form District

Revise language as follows:

D. Accessory Structures

I

1. Maximum Size - The maximum building footprint for an accessory structures for single family residential buildings shall not exceed 4,000-750 square feet for first floor and not to exceed 1,000 square feet total in two story structure. The maximum height of accessory structures shall not exceed the height of the principal structure. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5.*

Multiple accessory structures are allowed, subject to the limits established in paragraph 3.b, below

3. Accessory Structures/Uses in a Required Rear or Side Yard -Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met.:

- a. The minimum setback from a rear property line shall be 5 feet. The minimum setback from side property lines shall be 2-3 feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.*.

Part 5 Non-Residential/Mixed Use Site Design Standards

Section 5.5.1 Traditional Form District Design Standards

Revise language as follows:

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation

- a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modals of transportation (i.e. vehicular, pedestrian, bicycle etc.). All structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. Below for lots with more than one street frontage). Principal buildings shall be parallel to the primary street. If the prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building's orientation shall be the same as other buildings. The walls of buildings on corners should be parallel to the streets.

Part 5 Non-Residential/Mixed Use Site Design Standards

Section 5.5.2 Suburban Form District Design Standards

Revise language as follows:

A. Building Location and Orientation

- 1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development In the alternative, principal buildings and entrances

shall be oriented toward a focal point. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all modalities of transportation (i.e. vehicular, pedestrian, bicycle etc.). Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on two streets shall have consistent building design and materials on each facade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows facing the street.

Chapter 6 Mobility Standards

Part 2 Streets and Rights-of-Way

6.2.6 Requirements for Specific Types of Streets and Alleys

A. Minimum Requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks.

~~**Fee in Lieu Option** – The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following:~~
~~1. Sidewalk construction is impracticable due to topographical conditions or narrow right of way; or~~
~~2. A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Council District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver; in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.~~

Chapter 8 Business Regulations

(NOTE: "The City of Jeffersontown has a sign regulation ordinance and it shall be inserted in this section and utilized as it exist or as it maybe amended, ")

Chapter 11 Development Review Procedures PART 1 ADMINISTRATIVE

OFFICIALS 11.4.5 Public Hearing

D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, recommend ~~approve~~ approval, rejection or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment to the City of Jeffersontown.

11.4.7 Plan Certain Developments

A. Designation of Binding Elements

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject property] and shall be binding upon the fixture use and development of said property. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers of said binding elements to the City of Jeffersontown. ~~unless specifically waived by the Planning Commission.~~

PART 6 DEVELOPMENT PLANS

I

11.6.2 Category 1 Review Procedure

Prior to issuance of building permits, the ~~Jeffersontown local~~ building inspector official shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval. These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

In accordance with KRS 100 the Planning Commission has final review authority over subdivisions (both minor and major).

11.6.3 Category, 2 Review Procedure

A. Application for Planning Director Approval

Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and any applicable binding elements or conditions of approval. The Planning Director shall recommend approval to the City of Jeffersontown if ~~approve~~ the proposed development is in ~~if it~~ compliance with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan. The Planning Commission shall by separate vote, recommend approval, rejection or defer action on the development plan submitted and considered to the City of Jeffersontown.

B. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown and any applicable binding elements or conditions of approval of a district development plan.

In accordance with KRS 100 the Planning Commission has final review authority over subdivisions (both minor and major).

11.6.4 Category 3 Review Procedure A. Commission A

Commission Approval Required

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Commission and the City of Jeffersontown under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations.

B. Community Design Review Process

3. Review Session - Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staffer the Planning Commission. The Planning Commission or designated Committee shall recommend approval to the City of Jeffersontown if ~~approve~~ the proposed development ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law.

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Jeffersontown. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Jeffersontown and any applicable binding elements or conditions of approval of a district development plan.

PART 7 APPEALS

11.7.1 Planning Commission Review of Staff Determinations

- A. Applicability - When the Planning Director, Director of Works or Local Building Official (Building Inspector within the City of Jeffersontown) is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than ten (10) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within ten (10) calendar days shall not be subject to further administrative review or appeal.
- B. Notice - Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.
- C. Delegation to Committee - The Planning Commission may delegate the authority to consider ~~and take final actions on~~ appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any appeals to the City of Jeffersontown.

~~11.7.4 Legislative Body Review of Commission Action on Development~~

A. Applicability—Planning Commission approval or denial of any development plan for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.

B. Initiation of Review—The owner(s) of the subject property or any aggrieved party may request a hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within fifteen (15) calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.

C. Notice—If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following of the date, time, place and subject of the public hearing, and of the right of the public to respect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed development

1. The Planning Commission
2. All parties of record to any Planning Commission hearing previously held regarding the subject plan; and
3. All owners of property adjoining the subject property or directly across the street from the subject property.

D. Public Hearing—The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.

E. Legislative Action—If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative body to the Planning Commission.

~~F. Planning Commission Action—If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.~~

PART, 8 WAIVERS

11.8.5 Findings Necessary for Granting of Waiver or Modification

The Planning Commission may recommend approval to the City of Jeffersontown of any waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee

The Planning Commission may delegate the authority to consider ~~and take final actions on~~ modifications or waivers to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers or modifications to the City of Jeffersontown.

FORM DISTRICT BOUNDARIES:

The Department of Planning and Design Services transmittal of its form district boundaries was received, and amended in accordance with exhibit A attached hereto.

SECTION III. That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

SECTION IV. That this ordinance shall become effective upon its passage and publication.

Introduced and read at a meeting of the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 5th day of April, 2004.

Read, passed and approved by the City Council of the City of Jeffersontown, Kentucky at a meeting held on the 7th day of April, 2004.

VETOED:

APPROVED:


CLAY S. FOREMAN, MAYOR


CLAY S. FOREMAN, MAYOR

ATTEST:


JIM LEIDGEN, CITY CLERK



CITY OF MIDDLETOWN

Ordinance No. 0404

AN ORDINANCE RELATING TO ADOPTION AND AMENDMENT OF THE LAND
DEVELOPMENT CODE FOR ALL OF JEFFERSON COUNTY, KENTUCKY, INCLUDING
FORM DISTRICT REGULATIONS, AS MODIFIED BY THE CITY OF MIDDLETOWN

WHEREAS, the Department of Planning and Design Services of the Louisville Metro Planning Commission has forwarded to the Middletown City Commission its complete Land Development Code, for all of Jefferson County, Kentucky; and,

WHEREAS, the Middletown City Commission has reviewed these recommendations and does favorably consider such with the amendments and modifications referenced herein, now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIDDLETOWN, as follows:

SECTION 1 . The Land Development Code for all of Jefferson County, Kentucky as promulgated by the Department of Planning and Design Services of the Louisville Metro Planning Commission is hereby adopted and incorporated by reference as if completely rewritten herein, with the following exceptions, to-wit

Chapter 1 - Part 1 - Transition Standards**1.1.8 Transition Standards****A. Development Plans**

1. The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after June 4, 2004. ~~March 1, 2003 (LDC effective date)*~~.
2. Plans filed with a complete application prior to June 3, 2004 which are approved by the city of Middletown after June 4, 2004. and all subsequently filed detailed plans for the same development. ~~March 1, 2003 (LDC effective date)*~~ shall be reviewed for compliance with the Development Code ~~as in effect at the time of filing in effect at the time the first General district Development Plan was filed. The City of Middletown may approve the extension of expiration dates of Development Plans conforming to this section.~~
3. Approved Development Plans that will expire before ~~December 6, 2004~~ September 1, 2003, (LDC effective date + six months)' shall be deemed to expire one hundred eighty (180) days after the expiration date of the Development Plan.

4. No extensions of the expiration dates of Development Plans approved prior to ~~March 1, 2003~~ December 6, 2004 (LDC effective date)' shall be granted by the Planning Commission,

B. Permits

1. Building permits, site disturbance permits, and other permits issued prior to ~~March 1, 2003 (LDC effective date)*~~ December 6, 2004 shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code.
2. Building permits, site disturbance permits, and other permits requested on or after ~~March 4, 2003~~ June 4, 2004 (LDC effective date)* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.

Exception: Building permits, site disturbance permits, and other permits shall be issued to allow the development of an approved detailed Development Plan that was approved prior to the effective date of this Land Development Code, provided the Plan has not expired at the time the permit request is made.

Exception: in the case of General District Development Plans, which were filed prior to June 4, 2004 and approved thereafter by the City of Middletown all building permits, site disturbance permits and other permits shall be issued to allow development conformity to detailed district Development Plans subsequently approved by the City of Middletown all such permits shall comply with the development Code in effect at the time the first General District Development Plan was filed.

Chapter 1 - Part 2 - Definitions

1.2-24

~~Home Occupation" — An occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental to the primary use as a residence — see Chapter 4, Part 4).~~

HOME OCCUPATION: An occupation carried on by a resident of a dwelling as a secondary use within the same dwelling, in connection with which there is no person employed other than a member of the family residing on the premises, there is no advertising or any other display which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling, there are no retail sales on the premises, no more than 10% of the floor area, basement area, and attached garage area combined of the building is used, and no mechanical equipment is used except such as is permissible for purely domestic purposes.

Chapter 2-Part 4

2.43 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. PERMITTED USES:

Automobile rental agencies with no more than ~~25~~ 10 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel.

Chapter 2, Part 7.

The Planned Transit Development District (PTD) is not adopted by the City of Middletown.

Chapter 2, Part 7.

The Planned Residential Development District (PRD) is not adopted by the City of Middletown.

Chapter 4 : Generally Applicable Development Standards Conditional Uses.

Chapter 4, Part 2.

Remove from the list of conditional uses or conditional uses requiring Conditional Use Permits, the following uses:

~~All Terrain Vehicle Courses~~
~~Commercial electric or steam Generating Plants~~
~~Outdoor Paintball Ranges~~
~~Garbage Dumps~~
~~Commercial Hog feeding Lots~~
~~Scrap Metal Processing Facilities and Junk Yards~~

~~4.2.12.13 Commercial Animal Feeding Yards (including hogs, chickens, and other animals as determined by the Board of Zoning Adjustment)~~

~~Commercial Animal feeding Yards may be allowed in M-2 and M-3 Zoning Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.~~

- ~~A. All buildings, structures, pens, and yards shall be at least 100 feet from all property lines.~~
- ~~B. Adequate water supply shall be available to maintain the premises in a sanitary condition.~~
- ~~C. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.~~

Accessory Uses and Miscellaneous Standards

Section 4.4.1 (A) Adult Entertainment Activities

Add "escort services" as one of the following activities.

Section 4.4. 3B 2-Location 4th Paragraph.

Add the language "appropriate" before Public Works Department.

4.4.5 HOME OCCUPATIONS

Note: See Middletown definition of "home occupation" in Part 1, Section 1.2.1.

"Home Occupation" shall mean an occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence.

A. Intent.

The intent of this Section is to allow an occupant or occupants of a residence located on residentially zoned property to engage in a home occupation, trade, profession or business within said residence and its accessory structure(s) provided that such an activity does not adversely affect adjacent or nearby residents or the neighborhood as a whole.

B. Employees.

1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.

NOTE: Some subdivisions may restrict or prohibit home occupations through deed of restrictions.

2. The owner/operator of a home occupation may apply for a conditional use permit to allow up to two additional nonresident employees (up to three total) if the following criteria are met:
 - a. The property on which the home occupation is located must be at least three acres in size to apply for one additional nonresident employee (two total).
 - b. The property on which the home occupation is located must be at least five acres in size to apply for two additional nonresident employees (three total).

C. Exterior Appearance.

There shall be no change to the exterior appearance of the dwelling unit that houses the home occupation and there shall be no visible evidence of the conduct of a home occupation as viewed from the public right-of way and adjacent properties.

D. Number of Customers, Clients and Pupils Permitted.

No more than two customers, clients or pupils shall be permitted on the site at any one time except that (i) the occupant of a single family dwelling may provide day care services for no more than eight individuals at one time; and (ii) the occupant of a single family dwelling may provide group or professional therapy for no more than four individuals at one time. Appointments for clients must be scheduled with an allowance of time for one client or group of clients to leave before the succeeding client or group of clients arrive so as to avoid parking conflicts.

E. Signage.

No signage associated with a home occupation shall be permitted. This includes, but is not limited to, the placement of a business sign on or near the site. This shall not preclude the placement of a sign on a vehicle owned or leased by a resident that is parked on the premises in accordance with applicable regulations.

F. Parking and Deliveries.

1. Any parking needed to accommodate the customers, clients or pupils being served by a home occupation shall be provided off street on the dwelling unit's existing parking area/ driveway, except as provided in (2) below. The permit issuing authority shall determine whether the site has enough parking available in the parking area/ driveway to accommodate the parking generation expected from the proposed home occupation. Driveways may not be expanded or altered in any way to accommodate the expected parking needs of a home occupation.

2. ~~On-street parking spaces may be used to accommodate a home occupation only if the owner/operator provides the Planning Director with a parking study that meets the requirements of Section 9.1.17 (Parking Studies) of the Land Development Code and the Planning Director finds that the use of the on-street parking spaces by the home occupation will not adversely affect adjacent or nearby residences. If the Planning Director is unable to make such a determination, he/she may forward the request to the Planning Commission or its designee for final approval.~~

3. ~~Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two commercial deliveries (e.g. UPS, federal Express, US Postal Service Express Mail) shall be made in any 24-hour period.~~

C. ~~Permitted Locations and Maximum Size/Area.~~

1. ~~The operation of home occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.~~

2. ~~The area occupied by home occupations shall not exceed the limits specified below. The maximum area calculation shall include the space in which the home occupation is conducted as well as any areas that the home occupation's employees, customers, clients or pupils typically use including hallways, bathrooms and kitchens, when applicable. When all or a portion of the activity associated with a home occupation is proposed to occur in an accessory structure then the floor area of that accessory structure may be included in the calculation of the residence's floor area.~~

a. ~~A home occupation situated on a lot of less than one acre shall occupy no more than 25% of the floor area of the residence or 500 square feet in area, whichever is less.~~

b. ~~A home occupation situated on a lot greater than one acre shall occupy no more than 25% of floor area or 1,000 square feet, whichever is less.~~

3. ~~All activities associated with a home occupation are prohibited from occurring outside of the residence and its accessory structure except as specifically permitted.~~

H. ~~Hours of Operation.~~

1. ~~Any home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M. and 7 A.M.~~

2. ~~No nonresident employee may work at a home occupation between the hours of 9 P.M. and 7 A.M.~~

I. ~~Other Requirements.~~

1. ~~No machinery, equipment, or process used or conducted in association with a home occupation shall create any noise, vibration, fumes, odors, dust or electrical interference that is detectable:~~

a. ~~Off the lot if the home occupation is conducted in a single-family dwelling unit; or~~

b. ~~Outside the dwelling unit if the home occupation is conducted in something other than a single-family dwelling unit.~~

2. ~~No equipment discernable identified with a home occupation may be stored outside the residence unless it is located within an accessory structure. Children's play equipment associated with a day care shall be exempt from this restriction.~~
3. ~~The sale of agricultural goods (e.g. flowers and vegetables) that are grown on the site shall be permitted as a home occupation as long as the other requirements of this Section are met.~~
4. ~~More than one home occupation may be permitted within a dwelling unit, however the cumulative impact of the home occupations shall not exceed the maximum limits for the number of employees, number of customers, clients and pupils, parking and delivery restrictions, and maximum size/ area limits prescribed by this Section.~~

NOTE: Uses generally acceptable as home occupations include: Day care facilities (7 or less individuals)
Mail Order Operations
Woodshops
Beauticians

The offices of the following professionals:

~~Accountants, Architects, Attorneys, Engineers, Real estate brokers, Sales and Manufacturing Representatives, financial advisers, Insurance agents, Landscape architects Counselors, Mediators Travel agents, Therapists, Chiropractors, Psychologists, and Psychiatrists~~

J. ~~Prohibited Home Occupations.~~

~~The following uses/activities are prohibited as home occupations unless expressly permitted by other provisions of this Section. If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment.~~

~~Any use or activity that does not meet the requirements of this Section;~~

~~Adult entertainment;~~

~~Auto or Other Vehicle Sales, Service, Rental or Repairs (excluding minor repairs made to vehicles owned or leased by residents of the site);~~

~~Bed and Breakfast;~~

~~Daycare facilities (except as otherwise permitted);~~

~~Clubs~~

~~Dentistry;~~

~~Drive-In Facilities;~~

~~Eating and Drinking Establishments;~~

~~Escort Services~~

~~Group Instruction or Therapy with more than four students or clients on the premises at a time;~~

~~Gun Dealers;~~

~~Health Spas (excluding personal trainers / massage therapist);~~

~~Hospitals and Clinics;~~

~~Hotels/Motels;~~

~~Kennels;~~

~~Large appliance repair~~

~~Lawn mower repair~~

~~Machine shop~~

~~Medical examinations or treatment (other than psychiatry as expressly permitted herein);~~

Plasmapheresis;
Retail Advertising;
Retail and Wholesale Sales (except as otherwise permitted);
Taxi or Limousine Service;
Whole Blood facilities;
Manufacture of Goods;
Distribution of Goods (excluding mail order operations);
Storage of Goods to be Offered for Sale;
Display of Goods

K. License Registration of Home Occupations.

Prior to the establishment of any home occupation ~~that (i) serves customers, clients or pupils at the site, or (ii) has one or more non-resident employees,~~ the proprietor shall register the occupation. Day care centers as a home occupation shall require a home occupation registration. The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation ~~meeting either criteria (i) or (ii) above~~ that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation. Upon registration of a home occupation the Planning Director shall transmit a copy of said registration to the City of Middletown.

Part 5 Alternative Development Incentives (ADI)

* The City of Middletown has not adopted this section of the Land Development Code at this time.

Chapter 5 Form District Regulations

5.1.7

- L. Anything to the contrary in any other part of this code notwithstanding, there shall not be hereafter created any single family residential lot in the City of Middletown of less than 9,000 square feet.
- M. Where existing lots of less than 25,000 square feet are subdivided further, no single family residential lot shall thereby be created that is less than the greater of (a) 9,000 square feet, or (b) 90% of the average size of the residentially developed lots in the same block facing the same street. As used herein "block" shall mean the area between two dedicated streets.
- N. No single family residence shall hereafter be constructed containing less than 1,200 square feet where the lot on which it is constructed contains 9,000 or more square feet.

Part 4 Residential Site Design Standards**Section 5.4.2 Suburban Form District**

Revise language as follows:

D. Accessory Structures

1. Maximum Size - The maximum building footprint for an accessory structures for single family residential buildings shall not exceed ~~4,000~~ 750 square feet for first floor and not to exceed 1,000 square feet total in two story structure. The maximum height of accessory structures shall not exceed the height of the principal structure. Accessory structures with building footprint greater than 1,000 square feet may be permitted in accordance with Section 4.3.5.*

Multiple accessory structures are allowed, subject to the limits established in paragraph 3.b, below.

3. Accessory Structures/Uses in a Required Rear or Side Yard -Accessory structures and uses for residential buildings may be permitted in a required side or rear yard setback when the following standards are met.:
 - a. The minimum setback from a rear property line shall be 5 feet. The minimum setback from side property lines shall be ~~2-3~~ feet, except that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. Parking areas shall be at least 5 feet from the required rear property line. Parking is permitted within required side yards.*

Section 5.5.1 Traditional Form District Design Standards

Revise language as follows:

A. General Site Design Standards (Downtown Form District excluded)

1. Building Location and Orientation
 - a. Principal building entrances shall face the primary street serving the development or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all models of transportation (i.e. vehicular, pedestrian, bicycle etc.). All structures that are located along the primary street serving the development shall also have doors or windows facing the primary street (see b. Below for lots with more than one street frontage). Principal buildings shall be parallel to the primary street. If the prevalent (more than 50%) orientation of buildings on the block is at an angle to the street, the new building's orientation shall be the same as other buildings. The walls of buildings on corners should be parallel to the streets.

Section 5.5.2 Suburban Form District Design Standards

Revise language as follows:

A. Building Location and Orientation

1. Principal buildings and building entrances on a site shall have entrances and glazing, display windows or windows affording views into the business which face the abutting public street serving the development. In the alternative, principal buildings and entrances shall be oriented toward a focal point. Entrances to principal buildings may be located in a manner that promotes safe and efficient movement of pedestrian access relative to all models of transportation (i.e. vehicular, pedestrian, bicycle etc.). Structures located at a street corner may have a single entrance, located at the corner of the building. Buildings with frontage on two streets shall have consistent building design and materials on each facade. Internally oriented structures closest to the public street(s) serving the development shall also have doors or windows facing the street.

Chapter 6 Mobility Standards Part 2 Streets and Rights -of-Way

6.2.6 Requirements for Specific Types of Streets and Alleys

- A. Minimum Requirements - New streets shall provide right-of-way and improvements specified in the following table, according to the functional class of the street and the form district in which it is located, subject to the following exception:

1. Sidewalks shall not be required on lots that are five acres or greater in area and developed for single family residential uses unless they connect with existing sidewalks.

- B. ~~Fee in Lieu Option~~—The Director of Works or designee may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following:

1. ~~Sidewalks construction is impracticable due to topographical conditions or narrow right of way; or~~
2. ~~A determination by the Director of Works or designee that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future. Amount of fee shall be set by Metro Public Works based on average sidewalk construction. All fees paid shall be used for sidewalk construction within the same Metro Commission District. It should be noted that payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works. Applicants retain the right to request a sidewalk waiver; in no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction..~~

Chapter 8 Sign Regulations

(NOTE: "The City of Middletown has a sign regulation ordinance and it shall be inserted in this section and utilized as it exist or as it maybe amended, ")

Where the City of Middletown Sign Ordinance Regulations are more restrictive, such as the disallowance of portable or temporary signs, the prohibition of billboards or off-premises advertising signs, and reduced signs in the historic district, such more restrictive regulations shall apply.

Chapter 9 - Motor Vehicle Parking and Loading Standards.

9.1.3

- G. Policy. It is the policy of the City of Middletown to cause the parking for commercial purposes to be to the rear of the buildings and/or with landscape berm/screenings provided.

Chapter 10 - Tree Canopy, Landscaping and Open Space

10.3.11 -The following roadways located in the City of Middletown are hereby designated as scenic corridors.

- a. Main Street between Blankenbaker Parkway and Locust; and Old Shelbyville Road from Locust to Shelbyville Road.
- b. Shelbyville Road within the city limits of the City of Middletown.
- c. Urton Lane;
- d. Old Henry Road from Evergreen Road to English Station Road;
- e. Tucker Station Road from Madison Avenue to Ellingsworth Lane-

ADMINISTRATIVE OFFICIALS

11.4.5 Public Hearing

- D. Following the public hearing, the Planning Commission shall make a recommendation regarding the appropriateness of the Zoning District or Form District Map Amendment to the legislative body with zoning authority over the property in question. In addition, the Planning Commission shall by separate vote, recommend to the City of Middletown, the ~~approve~~ approval, rejection or defer action on the development plan submitted and considered in conjunction with the proposed Zoning or Form District Map Amendment.

11.4.7 Plan Certain Developments

A. Designation of Binding Elements

The Planning Commission or Legislative Body with zoning authority shall designate, at the time of approval or amendment of any development plan, those elements, provisions and restrictions of the approved plan, including a time period for development plan expiration, that shall be an integral and permanent part of the development plan and thereby binding on the use and development of the subject property. Binding elements approved as part of any development plan shall be applicable to all development plans subsequently prepared for a subject property] and shall be binding upon the fixture use and development of said property. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers of said binding elements to the City of Middletown. ~~unless specifically waived by the Planning Commission.~~

PART 6 DEVELOPMENT PLANS

11.6.2 Category 1 Review Procedure

Prior to issuance of building permits, the Middletown mayor or his/her designee and the building official shall assure the plan is in compliance with the applicable provisions of this code and all binding elements and conditions of approval. These provisions include but are not limited to: allowable uses; yard and setback requirements; height; landscaping; environmental assessment; and parking. In cases in which the building official has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the building official may forward the development plan to the Planning Director for a review and action on the plan.

11.6.3 Category, 2 Review Procedure

- A. Application for Planning Director Approval
- Applications for Category 2 development approval shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the application shall be accompanied by a development plan of sufficient detail to demonstrate to the Planning Director that the proposed development is in compliance with the applicable requirements of these regulations and any applicable binding elements or conditions of approval. The Planning Director shall recommend approval to the City of Middletown if ~~approve~~ the proposed development is in ~~if it~~ compliance with the requirements of this code; associated binding elements, if any; and other applicable law. In cases in which the Planning Director has reason to question the development plan's compliance with any provision of the Land Development Code, applicable binding elements and conditions of approval, the Director may forward the development plan to the Planning Commission, or designated committee thereof, for review and action on the plan. The Planning Commission shall by separate vote, recommend approval, rejection or defer action on the development plan submitted and considered to the City of Middletown.

In accordance with KRS 100 the Planning Commission has final review authority over subdivisions (both minor and major).

- B. Issuance of Building Permits
- In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 2 thresholds shall be accompanied by a development plan, which has been approved by the Planning Director and the City of Middletown. Building permits for Category 2 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Middletown and any applicable binding elements or conditions of approval of a district development plan.

11.6.4 Category 3 Review Procedure A. Commission

A Commission Approval Required

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Commission and the City of Middletown under the Community Design Review Procedure outlined below. The Planning Commission may delegate this review process to a Committee of the Commission. The Technical Review Committee process defined in Chapter 7 shall satisfy the Community Design Review Process required for subdivisions that meet the threshold established in the form district regulations.

B. Community Design Review Process

3. Review Session - Review of and action on the proposal shall take place in a public meeting before the Planning Commission or Committee thereof. No less than ten (10) calendar days prior to an original or continued review session date, the applicant shall submit original or revised development plans, studies, reports, etc. which have been prepared in response to comments received during the review process. This section does not preclude the applicant from presenting, at the review session, changes to the plan in response to concerns of the neighbors, agency review staffer the Planning Commission. The Planning Commission or designated Committee shall recommend approval to the City of Middletown if approve the proposed development ~~if it~~ complies with the requirements of this code; associated binding elements, if any; and other applicable law.

C. Issuance of Building Permits

In addition to those materials required by the appropriate building code, applications for permit for construction activity meeting the Category 3 thresholds shall be accompanied by a development plan which has been approved by the Planning Director and the City of Middletown. Building permits for Category 3 development shall be issued only in conformance with the development plan approved by the Planning Director and the City of Middletown and any applicable binding elements or conditions of approval of a district development plan.

PART 7 APPEALS

11.7.1 Planning Commission Review of Staff Determinations

- A. Applicability - When the Planning Director, Director of Works or Local Building Official (or official of the City of Middletown) within the City of Middletown) is authorized by this Land Development Code to take action on a proposal on behalf of the Planning Commission, such action may be appealed to the Planning Commission by filing an appeal no later than ten (10) calendar days after the date of the action. All actions which have not been appealed to the Planning Commission within ten (10) calendar days shall not be subject to further administrative review or appeal.
- B. Notice - Notice of the appeal shall be given to the applicant (if not the appellant) and all first tier property owners at least seven (7) calendar days prior to the meeting at which the Planning Commission will consider the appeal.

- C. Delegation to Committee - The Planning Commission may delegate the authority to consider and take final actions on appeals to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any appeals to the City of Middletown.

11.7.4 Legislative Body Review of Commission Action on Development

- ~~A. Applicability—Planning Commission approval or denial of any development plan for developments except Category 1 developments (as defined in Section 11.6.1) may be reviewed by the legislative body having zoning authority over the property in question, if the legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. Initial review of Planning Director actions on plans for Category 2 development shall be by the Planning Commission in accordance with Section 11.7.1.~~
- ~~B. Initiation of Review—The owner(s) of the subject property or any aggrieved party may request a: hearing before the legislative body by submitting a written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. The legislative body with zoning authority over the subject site may initiate the review on its own by resolution. Such letter shall be filed with the appropriate legislative body or resolution adopted within fifteen (15) calendar days after the date the minutes of the Planning Commission are approved reflecting its action regarding said development plan. The legislative body shall forward a copy of said letter or resolution to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter or resolution shall also be forwarded by the legislative body to the Planning Commission.~~
- ~~C. Notice—If the legislative body determines that a review regarding the development plan is warranted, it shall, by letter, notify the following of the date, time, place and subject of the public hearing, and of the right of the public to inspect the subject plans in the office of Planning and Design Services, and the right of the public to comment at the public hearing on the proposed development matter:

 - 1. The Planning Commission
 - 2. All parties of record to any Planning Commission hearing previously held regarding the subject plan; and
 - 3. All owners of property adjoining the subject property or directly across the street from the subject property.~~
- ~~D. Public Hearing—The public hearing shall include a presentation by a staff member of the Planning Commission stating the reason(s) for action. In addition, any applicant for review of the Planning Commission's action pertaining to the plan shall state why he/she believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.~~
- ~~E. Legislative Action—If the legislative body, subsequent to the public hearing agrees with the Planning Commission's action, it shall so indicate by resolution. If the legislative body disagrees with the Planning Commission's action, it may adopt a resolution directing the Planning Commission to alter its action in accordance with whatever directions and conditions the legislative body so indicates. A copy of all such resolutions shall be forwarded, by the legislative body to the Planning Commission.~~
- ~~F. Planning Commission Action—If the legislative body directs the Planning Commission by resolution to alter its action in a specified manner, the Planning Commission shall do so in accordance with said resolutions at its next regularly scheduled meeting. If the Planning Commission fails to comply, the alterations regarding the development plan specified by said resolutions shall become effective upon the adjournment of said meeting.~~

PART, 8 WAIVERS

11.8.5 Findings Necessary for Granting of Waiver or Modification

The Planning Commission may recommend approval to the City of Middletown of any waivers or modifications of standards upon a finding that:

11.8.7 Delegation to Committee

The Planning Commission may delegate the authority to consider and take final actions on modifications or waivers to its Land Development and Transportation Committee or other such Committee of the Commission duly created under the By-Laws of the Commission. Committee decisions may be appealed to the Commission. The Planning Commission shall make a recommendation regarding the appropriateness of any waivers or modifications to the City of Middletown.

FORM DISTRICT BOUNDARIES:

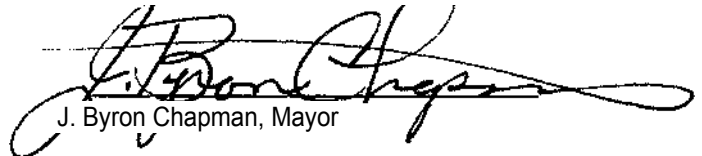
The Department of Planning and Design Services transmittal of its form district boundaries was received, and amended in accordance with exhibit A attached hereto.

SECTION 3. In event the provisions of this Ordinance indicating changes from the Code as recommended by the Louisville Metro Department of Planning and Design Services conflict therewith, the provisions of this Ordinance making changes shall apply, any comment to the contrary notwithstanding.

SECTION 4. That all ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

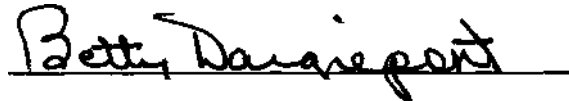
SECTION 5. That this ordinance shall become effective upon its passage and publication.

Introduced and read at a meeting of the City Commission of the City of Middletown, Kentucky at a meeting held on the May 26, 2004. Read, passed and approved by the City Commission of the City of Middletown, Kentucky at a meeting held on the 3rd day of June, 2004.



J. Byron Chapman, Mayor

ATTEST:



\\Betty Daigrepoint, City Clerk